BEAVER COUNTY COMMISSION

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June 12, 2024

BLM Utah State Office
440 West 200 South Suite 500
Salt Lake City, UT 84101

ATTN: HQ GRSG RMPA

RE: 2021 Greater Sage-grouse Land Use Plan Amendment (DOI-BLM-WO-2300-2022-0001-RMP-EIS)

Beaver County has reviewed the BLM's Draft Resource Management Plan Amendment and Environmental Impact Statement and submits the following comments.

Beaver County is in favor of Alternative 5 and supports the BLM choosing Alternative 5 as the preferred alternative as it offers the most balanced approach and also most closely aligns with our county's Sage-grouse Management Plan (Beaver County adopted the Utah Sage Grouse Conservation Plan, 2017) and with our County Resource Management Plan.

Beaver County is opposed to the designation of ACEC's as a management action for Sage-grouse protection as proposed in alternatives 3 and 6. ACEC designations are for "Critical" environmental concerns which require "special management" actions to protect against imminent and irreversible damage to specific resources. Based on the protections already afforded within PHMA management area designations, there is no additional need to create ACEC's. Beaver County's Resource Management Plan specifies in section 7.4(III)(4) the following relevant-important criteria be used when analyzing areas for ACEC designation:

a. *Important resources are of rare, unique, exemplary and significant quality deserving of special designation, protection and land use restrictions. They must be outstanding, remarkable, one-of-a-kind resources that deserve special management when compared to other similar resources in the region*;

Furthermore, as it pertains to Fish and Wildlife:

d. *Fish and Wildlife: Outstandingly remarkable fish and wildlife values are those populations that are rare, special or regionally significant. Although it may include special status species, a special status specie designation in and of itself does not meet the outstandingly remarkable and relevant threshold. The minimum criteria required for this resource value*:

i. *It is on the threatened or endangered species list and is the only population of the species within the region of comparison*;

ii. *It is on the threatened or endangered species list and comprises at least 80% of the known population in existence, of the species*;

iii. *It is documented and shown that the existing federal and state laws, recovery plans, policies and guidelines for protection of the species in question are deemed inadequate and insufficient, and it is determined that unless a special ACEC is granted, the species will be decimated. A thorough analysis must be conducted on existing federal and state laws, recovery plans, policies, etc. to identify where they are failing, and how a special ACEC designation will reverse the trend; and*

iv. *It is shown and proven by a preponderance of evidence to the Beaver County Commission that an ACEC is necessary and appropriate for the protection of a select species*.

We strongly disapprove of the use of ACEC designations to manage Sage-grouse when their habitat is so widespread throughout the west and so many agencies and partners are already invested in their preservation and protection.

Beaver County is also strongly in support of livestock grazing throughout Sage-grouse habitat. We believe the two species are fully compatible and that in most instances, except where overgrazing has caused damage to rangeland health, livestock grazing can be beneficial to Sage-grouse habitat. Livestock grazing has proven to be a helpful deterrent to wildland fire damage within sage brush eco-systems as it reduces fuel loads. We have also seen studies showing the presence of livestock has had no measurable impact on nesting success (See: https://www.uidaho.edu/news/feature-stories/sage-grouse-ten). We object to some of the language in the EIS that portrays livestock grazing as competitive with, or detrimental to Sage-grouse and their habitat.

Furthermore, on page 4-186, livestock grazing is attributed with contributing to GHG emissions, which ultimately impacts climate change. While it may be technically true that cattle produce methane,

the inference that livestock grazing on public lands as a contributing factor to climate change is completely disingenuous. The livestock would be emitting the same level of methane regardless of where they are located, whether grazing on public land or being fed in a feedlot. Moreover, the overall number of cattle in the United States is on the decline. There was a 2% reduction in beef cattle from 2023 to 2024 (USDA) and current U.S. cattle inventory is at its lowest level in 73 years (https://www.fb.org/market-intel/u-s-cattle-inventory-smallest-in-73-years). All this while wild horse and burro populations continue to be at, or near, all-time highs. Additionally, we feel the brunt of noxious weed spread is from wild fire exposure and vehicle transmission vectors, and not livestock spreading. We feel you need some level of documentation to support these negative claims against grazing.

One of Beaver County's biggest concerns is the over-population of wild horses within many of the HMA's within ours, and many other counties. We feel this problem is detrimental to Sage-grouse habitat and is a contributing factor to their population declines. The significance of keeping wild horse populations within AML cannot be overstated. As a management action, the need to keep wild horse populations within AML should be highlighted in this Resource Management Plan Amendment.

Beaver County appreciates the opportunity to participate as a cooperating agency in this NEPA process and to be able to comment on the draft EIS and Resource Management Plan Amendment.

Sincerely,

Keven Whicker

Beaver County Natural Resource Specialist

Wyoming Outdoor Council

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236 S. 2nd Street
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t: 307.332.7031

June 13, 2024

Quincy Bahr, Sage-grouse Project Manager
Pat Deibert, Sage-grouse Conservation Coordinator
Bureau of Land Management
440 West 200 Street
Suite 500
Salt Lake City, UT 84101

Re: Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement (DOI-BLM-WO-2300-2022-0001-RMP-EIS)

COMMENTS SUBMITTED VIA E-PLANNING

Dear Bureau of Land Management,

On behalf of the Wyoming Outdoor Council, thank you for the opportunity to comment on the BLM's draft RMPA for Greater sage-grouse. We are heartened by the BLM's efforts to incorporate the latest scientific research and data in updating these management plans. It is clear from the steady loss of sagebrush habitat and attendant, negative sage-grouse population trends in recent decades, that decisive action is required to reverse declines. Our organization, along with several others, submitted separate comments on the draft RMPA that cover many proposed management actions. In addition to those comments, we offer the following targeted comments specific to potential ACEC designations in the state of Wyoming.

While there are many proposed ACECs in the draft RMPA, we would like to focus our comments on Wyoming's most preeminent sage-grouse habitat. Of course, much of the state supports healthy tracts of sagebrush. Wyoming is renowned for both the quality and extent of this habitat thanks in large part to steps the state has taken to conserve it under the Greater Sage-Grouse Core Area Protection executive order, our high elevations that have thus far slowed establishment of invasive annual grasses, and low human population densities. Thanks to this habitat, Wyoming supports the lion's share of the world's remaining sage-grouse population, playing a central role in the persistence of both the bird and the imperiled ecosystem it relies on. That said, peerless, truly irreplaceable habitat exists in this state that should receive special attention above and beyond other priority habitat management areas. The so-called "Golden Triangle" is such a place.

Located in southwest Wyoming and bounded by the southern terminus of the Wind River range and highways US-191 and WY-28 coming north from Farson, the Golden Triangle boasts the densest populations and largest breeding assemblages of sage-grouse on the planet[1]. This is an area still relatively free from disturbance that supports the kind of lush understory of forbs and insects sage-grouse rely on when rearing their young. If Wyoming contains the last, best habitat for the world's sage-grouse, then the Golden Triangle is its beating heart, playing an outsized role in maintaining the stability of the state's population. We strongly recommend the BLM recognize the relevance and importance of this area to sage-grouse by maintaining the unparalleled sagebrush habitat found in the Golden Triangle through the use of special management prescriptions. These could include the following:

- Designation as a ROW exclusion area;
- Designation as an exclusion area for renewable energy development;
- Recommended withdrawal from mineral entry;
- Closure to leasing or allow only with no surface occupancy;
- Allow expiration of leases, following primary term;
- Closure to construction of new roads;
- Consideration of seasonal travel restrictions or closures;
- Closure to mineral material sales;
- Restriction on construction of new structures and facilities;
- Retention of public lands in federal ownership.

We recognize that any such management prescriptions in a multiple-use landscape should not be pursued lightly. However, in the case of fluid minerals, the Golden Triangle is known to have largely low to zero potential for oil and gas recovery based on reports prepared both by an independent team of geologists[2] and the BLM itself[3]. Specifically, the assessment conducted by independent geologists concluded the likelihood for additional oil and gas fields being discovered in the Golden Triangle and nearby landscapes is remote:

> In summary, based on a detailed analysis of the publicly available well logs and seismic surveys, the vast majority of the observations suggest that in the future there will be no discoveries of oil and gas

[1] Thuermer, Angus. 2019. Emergency letter: Save the 'highest grouse density areas on Earth'. WyoFile, accessed 12 June 2024. https://wyofile.com/emergency-letter-save-highest-grouse-density-areas-on-earth/

[2] Surdam Consulting, Inc. 2020. Evaluation of the potential for significant oil and gas discoveries in the Big Sandy Foothills and Northern Red Desert, Wyoming. https://www.wilderness.org/sites/default/files/media/file/Oil%20and%20Gas%20in%20the%20Big%20Sandy%20Foothills%20and%20Northern%20Red%20Desert.pdf

[3] Bureau of Land Management. 2013. Final Reasonable Foreseeable Development Scenario for Oil and Gas, Rock Springs Field Office (Figure 46). https://eplanning.blm.gov/public_projects/lup/13853/46225/49886/RSFO_RFD_FINAL-resized.pdf

deposits in the Big Sandy Foothills and Northern Red Desert area and that the known deposits are relatively insignificant.[2]

Given these findings, we do not believe special management prescriptions to protect this exemplary habitat from impacts from fluid mineral development would cause undue burden to the oil and gas industry. Conversely, we believe the habitat in the Golden Triangle is too important to risk being compromised and consider measures to guard against negative impacts from fluid mineral extraction a necessary failsafe.

In terms of grazing, this use can be compatible with and beneficial to sage-grouse conservation. We recommend that any special designations or management prescriptions put in place for the Golden Triangle are deferential to the important role allotment holders in the area have played in maintaining and in some cases improving habitat integrity in this corner of the state. We further recommend the BLM work cooperatively alongside allotment holders in the area to ensure Land Health Standards are met.

We at the Wyoming Outdoor Council, along with our membership, are grateful to the BLM for undertaking this necessary update to sage-grouse RMPAs. In the nearly ten years since the 2015 plans were finalized, sage-grouse and the sagebrush ecosystem they depend on have continued to backslide. It is blindingly apparent that the BLM must make greater efforts to protect this bird's habitat across its range, helping state and private partners reverse declines and ensure a sound future for the species. We are optimistic the agency will do just that in finalizing and implementing these RMPAs. Thank you for taking the time to read and consider our comments and for your work to ensure sage-grouse have room to roam in Wyoming and across their broader range.

Sincerely,

Meghan Riley
Wildlife Program Manager
meghan@wyomingoutdoorcouncil.org

LIST OF ATTACHMENTS

Attachment 1 – Evaluation of the potential for significant oil and gas discoveries in the Big Sandy Foothills and Northern Red Desert, Wyoming. (July 2020) Surdam Consulting, Inc.

Attachment 2 – Final Reasonable and Foreseeable Development Scenario for Oil and Gas, Rock Springs Field Office. (2013) Bureau of Land Management.

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Portland Eugene Bend Enterprise

13 June 2024

TO: BLM_HQ_GRSG_Planning@blm.gov
FROM: Doug Heiken, Oregon Wild

Subject: 2021 Greater Sage-grouse Land Use Plan Amendments DEIS — comments

Please accept the following comments from Oregon Wild concerning the 2021 Greater Sage-grouse Land Use Plan Amendments DEIS, https://eplanning.blm.gov/eplanning-ui/project/2016719/510. Oregon Wild represents 20,000 members and supporters who share our mission to protect and restore Oregon's wildlands, wildlife, and water as an enduring legacy. Our goal is to protect areas that remain intact while striving to restore areas that have been degraded.

Oregon Wild supports the protection and restoration of greater sage grouse and the hundreds of other species that depend on intact sagebrush ecosystems, including pygmy rabbits, pronghorn, mule deer, and golden eagles. Oregon Wild supports Alternative 3, the strongest conservation alternative that protects the most important habitats from any further disturbance.

We urge BLM to use the best science to address livestock grazing which is the greatest threat to sage grouse. There are significant trade-offs between livestock grazing and sage grouse population viability. This is because livestock herbivory has a direct negative effect on the vegetation cover needed by sage grouse to hide from predators. Livestock eat grasses and forbs growing on the ground. Sage grouse rely on vegetation for cover from predators and grass height is a major indicator of sage grouse nest success. Doherty et al (2014) found that nests had only a 47 percent survival rate when grass heights averaged 7 inches. The Montana nests had a 60 percent survival rate at 10.2 inches of grass cover, but didn't reach the 75 percent survival threshold until grass heights topped 15 inches. Kevin E. Doherty, David E. Naugle, Jason D. Tack, Brett L. Walker, Jon M. Graham and Jeffrey L. Beck 2014. Linking conservation actions to demography: grass height explains variation in greater sage-grouse nest survival. Wildlife Biology, 20(6):320-325. 2014. http://www.uwyo.edu/esm/faculty-and-staff/beck/_files/docs/publications/doherty-et-al-2014-wildlife-biology.pdf

BLM prepared a summary of the science regarding the adverse effects of livestock grazing on sage grouse reporting that ...

> livestock grazing is the most widespread land use across the sagebrush biome ... livestock grazing is characterized as a "press" form of disturbance because it exerts repeated pressure across the landscape ... [Compared to the pre-settlement period] 3 times the area per AUM is required because current primary production is approximately one-third of what it was during the first interval, ... Nesting sage-grouse consistently select

areas with more sagebrush canopy cover and taller grasses compared to available habitats ... Thermal cover, predator protection, and food availability are important for chick survival during the early brood-rearing period with tall (>30cm) grasses and sagebrush creating this habitat structure. ... Heavy fall utilization of sagebrush habitats by livestock has been deemed detrimental to sagebrush overstories and thus may negatively influence sage-grouse habitat suitability (Wright, 1970; Owens and Norton, 1990; Angell, 1997; Beck and Mitchell, 2000). Trampling by livestock under short-duration or season-long grazing may kill sagebrush, particularly seedlings growing in interstitial spaces ... [A study] concluded that livestock stocking intensity was more important than grazing system for herbage production (Van Poolen and Lacey, 1979), ... In contrast, others found season of use to influence production: grazing heavily during the spring or during spring and fall was detrimental to herbaceous understories (Mueggler, 1950; Laycock, 1978; Owens and Norton, 1990). Insect diversity and density were positively correlated with herbaceous density and diversity (Hull and others, 1996; Jamison and others, 2002); thus, spring or spring-fall grazing could negatively impact nesting sage-grouse and young chick survival during early brood-rearing ... [G]razing during the dormant season (late summer through winter) may influence residual-grass-stubble height (Pyke, 2011), which could influence nesting habitat quality for sage-grouse the following spring. A study conducted in central Wyoming compared vegetative conditions in grazed pastures to conditions selected by sage-grouse in the area and found that reduced forage utilization, extended periods of rest, and reduced spring grazing provided conditions most suitable for sage-grouse nesting and early brood-rearing ... Long-term removal of livestock generated a steady increase in the richness of shrubs, perennial grasses and forbs, and vegetative heterogeneity through 45-years post-removal of livestock in southwestern Idaho (Anderson and Inouye, 2001). Comparing grazed to un-grazed (not grazed for 25 to 40 years) big sagebrush communities in Utah and Idaho, researchers reported increased sagebrush canopy cover of 13 to 54 percent (Beck and Mitchell, 2000). ... Studies tracking changes in vegetation after removal of livestock in sagebrush systems report that initial proportions of the different growth forms were retained, and that a minimum of 10 to 15 years was required for seed production, seedling establishment, and growth to occur (Connelly and others, 2004; Pyke, 2011). Thus, ... extended rest may be required for areas that are currently degraded. ... Livestock distribution patterns are directly linked with water availability, and this bias has also had relevant, measureable impacts to riparian habitats, which are of primary importance for sage-grouse as late brood-rearing and summer habitats. The most direct effect of livestock on riparian vegetation is removal of the lower vegetation layers ... Sage-grouse generally initiate nesting in April, prior to production of new herbaceous cover; thus, residual grasses left from the previous year represent the initial cover available for nesting sage-grouse ... The potential exists to successfully manage for good sagebrush community condition but fail to achieve sage-grouse habitat objectives if annual management for sufficient residual vegetation (standing crop) is not considered. According to research conducted in sagebrush-steppe, adherence to light-utilization standards is the most dependable way to ensure a healthy plant community (Cagney and others, 2010). ... Deferring grazing for two growing seasons after disturbance has been recommended because it allows the cool season bunchgrasses—which are especially vulnerable to grazing after treatment—to capitalize on resource availability created by the disturbance (Knick and others, 2011). However, reintroduction of livestock to a disturbed area prior to the native or reseeded plant community becoming established, regardless of the number of years of rest afforded the site, can result in failed rehabilitation efforts ...

Manier, D.J., Wood, D.J.A., Bowen, Z.H., Donovan, R.M., Holloran, M.J., Juliusson, L.M., Mayne, K.S., Oyler-McCance, S.J., Quamen, F.R., Saher, D.J., and Titolo, A.J., 2013, Summary of science, activities, programs, and policies that influence the rangewide conservation of Greater Sage-Grouse (*Centrocercus urophasianus*): U.S. Geological Survey Open-File Report 2013–1098, 170 p., http://pubs.usgs.gov/of/2013/1098/

Wildflowers (forbs) are particularly important for sage grouse conservation and forbs are adversely affected by grazing. Cindy Roché and Stu Garrett 2020. How Wildflowers Could Help Save Sage-Grouse. Kalmiopsis Volume 23, 2020. https://www.npsoregon.org/kalmiopsis/kalmiopsis23/kalm23sagegrouse.pdf. ("In nesting locations that satisfy a minimum level of habitat requirement livestock grazing should never occur in the spring-early summer period in direct competition with the sage-grouse for succulent forbs. There is already plenty of competition for forbs from pronghorn antelope, deer, rabbits, mice, and any number of insect larvae and adults. Grazing in spring and early summer also inhibits seed set by forbs and reduces seedling replacement. Sometimes well-intentioned efforts hurt greater sage-grouse populations, such as when water developments designed to improve livestock distribution simply expand habitat destruction by introducing livestock grazing and weeds to previously undisturbed areas. … [A]ny disturbance may stimulate an increase in weeds that prevent establishment of native forbs. A seed source must be present for the native forbs, and grazing must be controlled so the desired species have a chance to grow. Choice of species among those adapted to the site should consider, first, the value on the species for sage-grouse, and second, the ease of establishment of that species.").

The negative effects of grazing on vegetation also negatively affects insects and arthropods that are critical to the nutrition of sage grouse chicks. Research is showing that "rested pastures harbor significantly more food arthropods than grazed pastures, as well as taller vegetation, which shelters and feeds both the birds and their arthropod prey." Marian Lyman Kirst 2015. Tracking grazing's impacts on bugs - A Montana biologist studies how livestock influence a favorite sage grouse food source. High Country News. Aug. 17, 2015 http://www.hcn.org/issues/47.14/biggest-experiment-endangered-species-act-sage-grouse/tracking-grazings-impacts-on-bugs

USGS highlights the fact that ravens are attracted livestock and livestock facilities, such as water troughs, which increases the risk that ravens will prey on sage grouse eggs and nestlings.

> Ravens are almost fifty percent more likely to inhabit areas in sagebrush landscapes if cattle are present, and preferentially select sites near greater sage-grouse breeding grounds.
>
> These findings have implications for greater sage-grouse management practices aimed at reducing raven predation on sage-grouse nests, according to research published in Ecosphere.
>
> Raven abundance in the sagebrush-steppe of the American West has increased three-fold during the last four decades, mostly as a result of unintended food and water subsidies from human land-use practices. Predation is the primary source of sage-grouse nest failure, and reducing ravens access to food and water subsidies could assist with conservation efforts. While removal of ravens may reduce their local abundance in the

short term, removing subsidies that promote ravens will likely be more effective for long-term control of raven predation.

USGS 2016. Technical Announcement: Cattle Increase Occurrence of Ravens That Prey on Sage Grouse. Released: 3/2/2016 http://www.usgs.gov/newsroom/article.asp?ID=4463 *citing* Coates P. S., B. E. Brussee, K. B. Howe, K. B. Gustafson, M. L. Casazza, and D. J. Delehanty. 2016. Landscape characteristics and livestock presence influence common ravens: relevance to greater sage-grouse conservation. Ecosphere 7(2):e01203. 10.1002/ecs2.1203 http://onlinelibrary.wiley.com/doi/10.1002/ecs2.1203/full

Oregon Wild supports specifying clear timeframes for evaluating the impacts of grazing in greater sage grouse habitats. Without enforceable schedules, this important impact is being ignored.

Oregon Wild opposes the use of 'restoration' as mitigation – too often, this means removal of native, woody vegetation and 'treatments' that harm sage grouse habitats over the long term, by spreading weeds.

Oregon Wild opposes the broad application of waivers, exceptions, and modifications that allow destructive projects to occur in habitat that is supposed to be protected.

Oregon Wild oppose the adoption of half-measures and discretionary protections. It is past time to adopt meaningful protection for sage grouse and the Bureau needs to take decisive action, regardless of the political pressures.

Sincerely,

Doug Heiken (he/him)
dh@oregonwild.org

IDAHO
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LEAGUE

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May 27, 2024

Submitted via email to BLM_HQ_GRSG_Planning@blm.gov
and via the BLM website at *https://eplanning.blm.gov/eplanning-ui/project/2016719/510*

RE: Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning

Dear BLM,

Thank you for the opportunity to submit comments on the Idaho Greater Sage-Grouse Draft Supplemental Environmental Impact Statement. Since 1973, the Idaho Conservation League has been Idaho's voice for clean water, clean air and wilderness—values that are the foundation for Idaho's extraordinary quality of life. The Idaho Conservation League works to protect these values through public education, outreach, advocacy, and policy development. As Idaho's largest state-based conservation organization, we represent approximately 26,000 supporters who have a deep personal interest in conserving Idaho's wildlife.

With an estimated 14 percent of the range-wide breeding population and 18 percent of the rangewide priority areas of conservation within its borders, Idaho plays an important role in the health of greater sage-grouse. Located at the northern edge of the Great Basin, Idaho has a cluster of priority habitat areas in the south-central part of the state that function as a hub for genetic connectivity between the eastern and western portion of the species' range.

The Resource Management Plans in Idaho that would be amended with regard to sage-grouse habitat management include the following:

- Bennett Hills/Timmerman Hills Management Framework Plan (MFP) (1980)
- Big Desert MFP (1981)
- Big Lost MFP (1983)
- Bruneau MFP (1983)
- Cassia RMP (1985)
- Challis RMP (1999)

- Craters of the Moon National Monument RMP (2006)
- Four Rivers RMP (2023)
- Jarbidge RMP (2015)
- Lemhi RMP (1987)
- Little Lost-Birch Creek MFP (1981)
- Magic MFP (1975)
- Medicine Lodge MFP (1981)
- Monument RMP (1985)
- Owyhee RMP (1999)
- Pocatello RMP (2012)
- Snake River Birds of Prey National Conservation Area RMP (2008)
- Sun Valley MFP (1981)
- Twin Falls MFP (1982)

The Idaho Conservation League has a long history of involvement in sage-grouse conservation. Our members hike, hunt, backpack and botanize throughout sage-grouse habitat and enjoy watching sage-grouse as well as other sagebrush-obligate species. Our members wish to see these species and their habitat properly managed, conserved and restored to abundance. The Idaho Conservation League was an original member of the Idaho State Sage-grouse Advisory Committee (SAC) and helped draft the Idaho State Sage-grouse Conservation Plan. As part of the SAC, we also chaired the Mitigation Subcommittee and helped draft the Sage-grouse Mitigation Framework which has been submitted for consideration to the Idaho Department of Fish and Game, BLM, and US Fish and Wildlife Service.

The Idaho Conservation League also participated as a member of Governor Otter's Sage-grouse Task Force which helped develop the recommendations for the state alternative for the 2015 Idaho and Southwestern Montana Land Use Plan. The overall purpose of this plan was to conserve, enhance and restore sage-grouse habitat. Because partnerships are essential to sage-grouse conservation, we believed that a strengthened combination of the state alternative (Alternative E) and the local BLM alternative (Alternative D) would best protect sage-grouse while meeting state, community and site-specific needs. Please note that we are submitting these comments solely on behalf of ICL and do not purport to represent any other entity.

We supported the selected alternative for the final 2015 Greater Sage-grouse Plan for Southwestern Idaho and Montana. The final plan was the basis for the US Fish and Wildlife Service's 2015 determination that sage-grouse did not warrant protections under the ESA – a tremendous collaborative conservation success.

The 2019 RMP Amendment and EIS were developed with a purpose to "enhance cooperation with the States by modifying the approach to Greater-Sage-Grouse management in existing RMPs to better align with individual state plans and/or conservation measures and DOI and BLM policy." Unfortunately, the 2019 RMP Amendments did not take a sufficiently comprehensive look at conserving, enhancing, and restoring sage-grouse habitat in order to avoid the need to list sage-grouse and were vacated by the U.S. District Court in 2020, leaving the 2015 Plans as the law of the land.

Unfortunately, even the more protective 2015 plans have proven to be insufficient to reverse sage-grouse declines. Sage-grouse populations continue to decrease throughout the West, with scientists estimating the birds currently occupy roughly 50% of their historic range (Knick et. al 2013) and at populations as low as 5% of their historic numbers.[1] A 2020 USGS report determined that sage-grouse populations declined by over 80% since the 1960s and that the rate of decline has been accelerating over the last 18 years (Coates et al. 2020). Sage-grouse have declined 37% rangewide since 2002. A 2022 USGS report on the Sagebrush biome notes 20.4 million acres of core sagebrush areas have transitioned to other rangeland areas from 2001-2020[2]. This represents a 38% loss of core sagebrush areas since 2001. If the rate of core area loss remains consistent, then approximately half of the remaining 2020 core area will transition to other rangeland areas that do not support sagebrush by 2042. The decadal losses have been driven by invasive annual grasses, but this influence is accelerating as evidenced by the threatened or invasion rates in 2020 (the last year of data analysis) being greater compared to any year prior. A paradigm shift is necessary; by directing resources to locations that can retain ecologically stable core habitat in a 2050 future we can ensure today's limited funding for treatments are being used in a logical manner.

Here in Idaho, the majority of the state's Sage-grouse Conservation Areas have had significant habitat losses or population declines, initiating soft and hard triggers or warning signals of sage-grouse decline.[3] Since 2015, habitat triggers have been tripped in sixteen Conservation areas and population decline triggers have been tripped in 42 conservation areas..

Given these trends, ICL's 2022 ARMPA scoping comments recommended that the BLM take a more bold and comprehensive approach.. We advocated for the BLM and partners at all levels to redouble efforts focusing on wildfire and invasives and also shore up protections to address contributing issues.

The BLM should also note that some foundational strategies and practices have not proven as effective as hoped for or have been associated with unanticipated downsides with regard to habitat fragmentation. These include some mechanical fuel breaks and targeted grazing practices, failure to reverse the spread of annual invasive grasses and wildfires on a landscape scale, and adverse effects from rangeland health projects involving prescribed burns and mechanical openings in "decadent" sagebrush stands that degraded soil crusts and facilitated the spread of annual grasses. We believe that these strategies and practices need to be carefully reexamined to see how and when they need to be implemented to be effective and reduce negative impacts.

As noted in our scoping comments, the BLM may be making assumptions with regard to Rangeland Health Standards that do not reflect conditions in the field. A recent study by PEER found that a large percentage of grazing allotments were not meeting the required standards and guides. In many cases, the BLM does not have the staffing needed to adequately monitor range conditions. More prompt responses to areas not meeting Rangeland Health Standards and

[1] Knick, S.T., S.E. Hanser, and K.L. Preston 2013. Modeling ecological minimum requirements for distribution of greater sage‐grouse leks: implications for population connectivity across their western range, U.S.A. Ecology and Evolution, Vol. 3, Issue 6, June 2013, pp. 1539-1551.
[2] Doherty et al., 2022. A Sagebrush Conservation Design to Proactively Restore America's Sagebrush Biome Core Sagebrush. USGS 2022-1081. https://pubs.usgs.gov/of/2022/1081/ofr20221081.pdf
[3] https://species.idaho.gov/wp-content/uploads/2022/01/SageGrouse_2021TriggersAnalysis_Final.pdf

unauthorized livestock in closed and retired allotments are needed. Recreational management actions such as an intent to limit motorized travel to existing or designated trails has largely failed. In addition, efforts intended to prevent human-caused wildfires have been largely ineffective to date.

We have seen repeated instances in Idaho where local BLM Field Office Managers have issued decisions without considering how these actions affect neighboring Field Offices, allocate resources that could have been used for higher BLM priorities, or indirectly influence State policy. Regarding implementation of the ARMPA, local BLM offices should consult with the BLM State office to ensure that resources are directed where needed most and there is a consistent strategy among all the 19 RMPs, field offices are receiving the support they need, and an adequate regulatory mechanism to promote the restoration of sage-grouse habitat.

The selected alternative should expand upon small but important signs of progress. As mentioned in our scoping comments, there have been encouraging studies with regard to strategic Phase 1 and Phase II juniper removal efforts, wet meadow restoration projects using beaver dam analogs, real time rangeland monitoring by permittees and the public, voluntary habitat mitigation by mining companies, and improved fire fighting capacity with the support of Rural Fire Protection Associations. In addition, diverse stakeholders continue to share a genuine interest in sage-grouse conservation and have repeatedly come together to share insights and craft solutions. We particularly appreciate efforts by the BLM, the Idaho Department of Fish and Game, Idaho Governor's Office of Species Conservation, the US Fish and Wildlife Service, and others to discuss the various Plan amendments and NEPA process with us.

We strongly recommend that the BLM create a "blended" alternative combining the best features of the more protective alternatives. The FEIS should also go into additional detail about how the RMPA interacts with other policies such as the Solar PEIS and the Public Lands Conservation Rule. Unless the selected alternative integrates meaningful, additive and effective safeguards, the Idaho Conservation League will not be able to argue that Greater sage-grouse do not need protections under the Endangered Species Act. The true metric for success will not be just slowing the rate of decline of sage-grouse and their habitat, but protecting and restoring habitat so sage-grouse numbers return to abundance in Idaho and across the West.

Thank you again for considering our comments.

Respectfully Submitted,

John Robison
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Idaho Conservation League's comments on the DEIS for Amending Land Use Plans Regarding Greater Sage-Grouse Conservation, 2024

Improvements in alternatives
We support the alternatives that incorporate new, requisite climate change studies and mapped areas of importance for genetic connectivity, and consistent cross-boundary triggers. We support the use of Targeted Annual Warning Systems managed by the USGS as having a capable and independent agency conducting this monitoring is an important part of an adequate regulatory mechanism.

Combination of alternatives
While all of the different alternatives in the 2024 DEIS make some refinements, we do not believe that any one alternative represents the best approach to sage-grouse management for Idaho. Even though Alternative 5, the BLM's preferred alternative, incorporates many of the themes from the Idaho plan, it should be strengthened to more closely align with some elements from Alternatives 3 and 4. As such, we highly recommend a continued blended approach - as the BLM attempted with the original co-preferred alternatives C and D - that strengthens critical protections while still allowing a reasonable degree of adaptability. For example, the PHMA mineral withdrawal of Alternatives 1 and 3, the three tiered HMA of Alternatives 4, 5 and 6, the lek buffers of Alternative 4, the use of ACECs as described in Alternative 6 are all positive elements that should be incorporated into whichever final alternative is selected.

HFA and Cause for Decline
The Habitat Assessment Framework scale should not be so fine and localized that declining population trends will not be detected and reversed in a timely manner. Given sage-grouse trends, the ARMPA should err on the side of caution and make it easy to increase protections in Conservation Areas as needed. When a trigger is tripped, we support a causal factor analysis and tailoring the protective actions to the causal factor. We believe it is vitally important that the BLM be able to implement additional safeguards on existing or new authorizations with a goal of reducing disturbance until a causal factor can be determined or the population declines cease (2-128).

Salable minerals, non-energy minerals and locatable minerals
Regarding salable minerals, we support having a closure in PHMA and IHMA with an allowance for limited exceptions for the expansion of existing pits using the screening and development criteria in Alternative 4. We advise against constructing new pits in undeveloped areas in PHMA and IHMA. We also support the closure of non-energy minerals and locatable minerals in both PHMA and IHMA.

As stated in our scoping comments, mining and related infrastructure such as roads and mill sites can have adverse, long-term impacts on sage-grouse. While most mining activity in Idaho has taken place outside of sage-grouse habitat, the map of Sagebrush Focal Area shows a considerable number of claims within each of the Conservation Areas. The Idaho Geologic Survey has an interactive map which shows the locations of current and historic mines. http://www.idahogeology.org/webmap/ This map reinforces the importance of a mineral segregation to protect sage-grouse habitat from future disturbance.

The National Technical Team recommendation for priority habitat is the "withdrawal from mineral entry based on risk to the sage‐grouse and its habitat from conflicting locatable mineral potential and development," and to "make any existing claims within the withdrawal area subject to validity patent exams or buy out." In a March 12, 2015 letter from grouse conservation scientists to Secretaries Jewell and Vilsack, the importance of this recommendation was reiterated, stating, "Closing and recommending for immediate withdrawal lands from leasing or sale (including coal) under federal mineral laws for the maximum period allowed under law (NTT 2011: 22, 24-25, 26)."

While the majority of Idaho's Sage-grouse Management Areas do not have significant mineral resources, there is the potential for mineral development in certain areas and to encroach onto existing habitat management areas and further shrink habitat. The BLM Pocatello Field Office in the Idaho Falls BLM District and the Sawtooth National Forest are involved in the Liberty Gold Exploration Plan of Operations which entails extensive road and drill construction. The Forest Service's recent Decision Notice approved the addition of 329 drill pads and 43 miles of roads on lands adjacent to the BLM. While the project appears to be just outside IHMA and GHMA, transportation may have effects on sage-grouse and this project serves as an example of the activities that are currently under consideration. Even if a mine footprint is not within a sage-grouse management area, the transmission line to power operations or the mine access roads may cut through sage-grouse habitat, as is the case with the Integra's Delamar Mining Project under review by the Owyhee Field Office of the Boise BLM District. As such, we believe that a mineral segregation in Sage-Grouse Management Areas is an important tool to consider moving forward. We also recognize that such a withdrawal will likely grandfather existing valid claims.

Lek buffers

We note that the lek buffer distances utilized in the ARMPA represent the "lower end of the interpreted range" (Appendix 19-1). This choice is inconsistent with the BLM's Minimization Criteria as the selected buffer seeks to minimize the impacts of sage-grouse presence on human activities, instead of minimizing the impacts of human activities on sage-grouse. The BLM should instead use the average or more protective end of the study results. In the interim, the BLM should utilize the buffer distances described in Alternatives 3 and 4. We also support utilizing lek buffers in GHMA as required conservation measures.

Recreation management

The Owyhee Canyonlands are one of the few climatically and ecologically stable areas for sagebrush through mid-century. Protecting this sage-grouse habitat from further degradation is extremely important. As detailed in our scoping comments, unmanaged recreation activities can directly disturb sage-grouse, spread noxious weeds, impact soils, fragment habitat and lead to human-caused wildfire ignitions. Over 80% of the wildfires in the BLM Boise District are human caused. Recreation numbers have increased dramatically in recent years and there is little to no BLM enforcement presence and no funding for the type of adequate regulatory mechanism needed for managing recreation.

Within Idaho, the BLM has invested years developing several BLM travel management plans in key areas, but many of these projects have stalled and never been finalized. Congress directed that BLM complete several travel management plans in the Owyhee Canyonlands by 2012, but several of these either have still not been finished or are not sufficiently protective for sensitive habitats and native wildlife like sage-grouse. For example, the Field Office Manager selected the maximum motorized alternative for the Canyonlands East, Canyonlands West and Silver City Travel Management Plans in the Boise District. The Environmental Assessments noted that the maximum motorized alternative also had the greatest risk of human-caused wildfire, noxious weed spread and wildlife disturbance of any of the alternatives. The BLM cannot simply assume that the act of signing a travel management plan alone will be protective of sage-grouse. The plans must meet the BLM's minimization criteria and be followed up with restoration of undesignated trails, increased trail maintenance, and adequate funding for outreach, education and enforcement.

Compensatory Mitigation

We appreciate that the BLM will use the mitigation hierarchy and require compensatory mitigation for many project activities. However, we are concerned that the requirement for a net conservation gain in Alternative 1 has been weakened to "no net loss" without a sufficient examination of complicating issues such as time delay, rates of project failure, and lack of redundancy, among other limitations. Mitigation should also be a requirement for locatable mineral exploration and development projects under the 1872 mining law and not just a voluntary exercise.

We are deeply concerned that Alternatives 5 and 6 would not require compensatory mitigation to be complete and functioning before granting an exception to the Disturbance Cap. Instead, Alternative 4 strikes the right balance by requiring that mitigation must be completed and accounted for before the disturbance occurs.

Compensatory mitigation should be required not just for resource extraction projects but also for BLM management activities that have detrimental impacts on sage-grouse habitat. For example, the Tri-State fuel break project will clear swaths of sagebrush along hundreds of miles of roadways in PHMA, IHMA, and GHMA. While this activity is intended to prevent large-scale losses of sagebrush from wildfires, this activity itself will have negative impacts on sage-grouse and their habitat. As such, the BLM itself should mitigate adverse habitat modifications using its own Mitigation Framework.

Renewable energy

This policy needs to recognize that if we do not build out the renewable energy and transmission infrastructure extremely rapidly, then the climatic conditions that support sage-grouse and allow them to exist are going to change. A warming climate exacerbates all of the known risks to sage-grouse, especially wildfires and annual invasive grasses. We recommend that the BLM discourage developments in sage-grouse habitat, especially Sagebrush Focal Areas, and develop a robust mitigation program with a net conservation gain standard for any developments in sage-grouse habitat. The mitigation ratio is going to have to increase in terms of needed offsets because restoration projects are going to be more difficult to implement due to wildfires and invasive grasses.

Given the remoteness of most sage-grouse habitat from infrastructure such as roads and transmission lines that are generally needed for renewable energy projects, there is a lower potential for renewable energy projects in sage-grouse PHMA than the built landscape and agricultural lands entirely outside of sage-grouse habitat. In addition, the Nature Conservancy's Power of Place[4] analysis showed that it is possible to build almost all of the renewable energy projects we need without developing projects in sage-grouse habitat.

Where energy potential does overlap with sage-grouse habitat, the nature of this infrastructure would likely negatively impact or even extirpate sage-grouse from developed areas, as evident in the analysis for the China Mountain Project in Idaho (which was ultimately withdrawn). As such, we would like to see Sagebrush Focal Areas managed as an exclusion zone (or a "no" zone), much as PHMAs are proposed as exclusion areas in Alternatives 1, 2, 3 and 4. Under Alternatives 5 and 6, the PHMA is only an avoidance area and the BLM could allow development in breeding and nesting habitats except within discrete lek buffers. We don't believe this strikes the right balance because it will encourage development in too many inappropriate areas.

We do support managing IHMA as avoidance areas ("no, but…" zones) for utility scale wind and solar projects where development is discouraged unless certain conditions can be met and the compensatory mitigation program is used. Alternatives 5 and 6 would manage GHMA as wide open for renewable energy, but we believe the BLM needs to do more to direct projects outside of sage-grouse habitat first and then consider developing in sage-grouse habitat if needed. Ideally, there would be another category for GHMA between open and avoidance, changing that area from a "no, but" to a "yes, if" category, to see if there are other options for development outside GHMA first.

Ultimately, the build out of renewable energy projects and transmission projects is going to affect sage-grouse habitat to some degree, but we should steer development around Sagebrush Focal Areas wherever possible and have an extremely robust mitigation program to more than offset any impacts. With climate change, the BLM may need to consider directing these mitigation efforts to restoration areas farther away from project areas that will be more climatically favorable to sage-grouse in the future than the immediate project area.

Additional thoughts

Please include our 2022 scoping comments, pasted below, with these comments for additional context.

[4] https://www.nature.org/en-us/what-we-do/our-priorities/tackle-climate-change/climate-change-stories/power-of-place/

Idaho Conservation League's scoping comments for Amending Land Use Plans Regarding Greater Sage-Grouse Conservation, 2022

Approach to Habitat Management Areas

The Idaho Conservation League still supports the current three-tiered approach for sage-grouse habitat as well as the use of soft and hard population and habitat triggers, although some improvements in the trigger response is warranted. The triggers are based on 2011 lek counts and we recommend retaining those reference numbers to avoid shifting baselines which might understate any future declines. Priority Habitat Management Areas (PHMA) support 73% of Idaho's sage-grouse and Important Habitat Management Areas (IHMA) support 23% of sage-grouse numbers. Taken together, these designations preserve an intact and interconnected landscape for sage-grouse and other species. The General Habitat Management Area (GHMA) and non-habitat areas support less than 4% of the sage-grouse population but may still provide important areas of connectivity between populations.

In the past, the GHMA has been described as a place to locate development activities while avoiding PHMA and IHMAs. As such, GHMAs have traditionally been considered as sacrifice areas:

> Management (within GHMAs) by Federal agencies should focus, to the extent practicable, on facilitating multiple-use activities in order to avoid siting conflicts in the other management zones.[5]

While some development within GHMAs may eventually be unavoidable (and are certainly preferable to developments within PHMAs or IHMAs), we recommend that the BLM first view developments within a lens of either being within or outside of Sage-grouse Management Areas which include PHMAs, IHMAs, and GHMAs. For example, the BLM should view Sage-grouse Management Areas (PHMAs, IHMAs, and GHMAs) as areas to largely avoid development in favor of placing development entirely outside of Sage-grouse Management Areas. In the past, agencies have been so focused on protecting PHMAs and IHMAs that they have been willing to redirect the impacts in the GHMAs and calling that a success instead of taking a hard look at locating the impacts beyond the GHMA into non-sage-grouse habitat.

Because GHMAs play a role in connectivity between different conservation areas and sage-grouse metapopulations, we recommend that the BLM establish similar lek buffer distances in GHMAs as in PHMAs and IHMAs and require compensatory mitigation based on analyses through the Habitat Quantification Tool.

There are two notable GHMAs in Idaho that may warrant additional review. These include the East Idaho Upland population and the West Central Idaho population near Weiser. The State Sage-grouse plan (Alternative E) highlighted these in its alternative:

> The GHZ also includes habitat for two isolated populations of sage-grouse in the East Idaho Uplands and West Central Idaho. While these two areas generally represent better habitat than the remainder of the GHZ, the isolated nature of these populations make it

[5] https://species.idaho.gov/wp-content/uploads/2016/05/Idaho-Sage-Grouse-Alternative.pdf

> unlikely that they will contribute to the long-term persistence of the two key meta-populations in the State of Idaho. Thus, local working group efforts will be key in these areas. Desired Future Condition: Rely on efforts of local working groups to maintain populations where applicable.[6]

Both populations had been closely tracked by the local Sage-grouse working groups and the stakeholders had invested significant resources in improving these populations. We suggest that the BLM consider managing these areas as IHMAs or some unique designation with more protections than GHMAs and consider providing additional resources to local working groups.

Sagebrush Focal Areas (SFAs)
ICL supports the concept of Sagebrush Focal Areas but believes that Idaho's three-tiered approach (PHMA, IHMA, and GHMA) along with trigger mechanisms may serve as an acceptable substitute. We recommend developing an alternative to see if the prioritization goals of SFA protections can be met by using Idaho's three-tiered approach.

COT report, NTT Guidance and lek buffers
Plan amendments should be consistent with the COT report, NTT Guidance and updated scientific recommendations. The BLM should also commit to annual reviews of scientific studies regarding the effectiveness of lek buffers and revise the buffers as needed per each type of impact. We also think the BLM should examine and consider both impact specific buffers (wind, solar, transmission lines) and site-specific buffers as supported by scientific literature. For example, local topographical features that block sound and line of sight might support using smaller buffers while wide open landscapes and prevailing wind directions that can carry sound may call for larger buffers.

Consequences of tripping triggers
The majority of Idaho's Sage-grouse Conservation Areas have had significant habitat losses or population declines, initiating soft and hard triggers. These triggers meant that the more protective measures of PHMAs would extend to IHMAs until the population or habitat recovers.

Regarding the consequences of tripping a trigger, many of the PHMA protective measures are focused on preventing large scale infrastructure projects which are few and far between and not the causal factors for the triggers being tripped. We recommend that the BLM carefully review the Causal Factor analysis for each of these tripped areas.

We believe that more safeguards are needed within PHMAs to better address the primary threats of wildfires and invasives, while retaining the safeguards against infrastructure developments. These protections should extend to IHMAs when a trigger is tripped. While some factors are outside of the BLM's control, others such as human-caused wildfires, are less so.

Infrastructure
The 2011 BLM's National Greater Sage-Grouse Planning Strategy established a National Technical Team to serve "as an independent, technical and science-based team to ensure the best information related to greater sage-grouse management is fully reviewed, evaluated and provided

[6] https://species.idaho.gov/wp-content/uploads/2016/05/Idaho-Sage-Grouse-Alternative.pdf

to the BLM for consideration in the land use planning process." On December 21, 2011, BLM released the National Technical Team's "Report on National Greater Sage-grouse Conservation Measures." This report concluded that "the conservation strategy most likely to meet the objective of maintaining or increasing sage-grouse distribution and abundance is to exclude energy development and other large-scale disturbance from priority habitats, and where valid existing rights exist, minimize those impacts by keeping disturbances to 1 per section with direct surface disturbance impacts held to 3% of the area or less." (emphasis added).

There have been subsequent judicial determinations that noise disturbances associated with oil well drilling impacts can have adverse effects on sage-grouse:

> Noise and human presence from oil and gas operations are also known to produce stress responses in greater sage-grouse, reduce their reproductive success, and cause birds to abandon suitable habitat, resulting in population declines. See Memorandum Decision and Order, June 9, 2021, *Western Watersheds Project et al. v. Bernhardt et al.*, Case No. 1:18-cv-00187-REB, Pls.' SOF No. 16.

We appreciate the protections in PHMA and IHMA from large scale infrastructure development such as high voltage transmission lines and large scale wind energy projects and recommend that the BLM close some gaps or loopholes in the current plan amendments. The 2015 maps of Habitat Management Areas were intended to be accompanied by more accurate local maps showing finer habitat details and distinguishing between small areas of habitat and non-habitat.

LS Power proposed a large-scale wind project in the China Mountain/Browns Bench area of southern Idaho. Although the entire landscape is classified as PHMA, LS power took advantage of a series of private and state parcels as well as smaller parcels of BLM lands identified as non-habitat areas and proposed a large-scale wind project that would have resulted in likely significant direct and indirect effects to sage-grouse. After investing significant resources exploring this location, LS Power eventually withdrew its application for this area and is now moving forward with the Lava Ridge project in another location farther away from PHMA and IHMA. While the developer eventually made the correct decision there, another company could still propose a similar project in the China Mountain/Browns Bench area. We recommend that the BLM should take additional steps to preclude large scale infrastructure development in the China Mountain/Browns Bench area. The BLM should reclassify the small, non-habitat BLM parcels that are adjacent to or within close proximity to PHMA and IHMA as "no go zones" as development in these areas would lead to direct or indirect adverse effects on sage-grouse. In essence, the Plan amendments need to close the gaps or loopholes that could allow incompatible infrastructure to have adverse effects on sage-grouse in PHMA and IHMA. Not all small, non-habitat BLM parcels may need to be reclassified.

Compensatory Mitigation

Compensatory Mitigation is an important tool that allows agencies authorizing development projects, such as energy infrastructure, to offset environmental impacts to the project area by restoring degraded yet comparable habitat in another area. In order to protect ecological integrity, agencies must follow the "mitigation hierarchy" of avoidance, minimization and compensatory mitigation. Projects must first be precluded from impacting high value, irreplaceable habitat.

Where development does occur, the impacts should be minimized through the use of required design features or best management practices. Finally, residual effects that cannot be avoided or minimized are mitigated. The Idaho Conservation League worked with Idaho Fish and Game, the United States Fish and Wildlife Services, BLM, and other stakeholders to develop a mitigation framework that allows for multiple use on public lands where appropriate while increasing protective measures for sage-grouse. More work is needed to refine the mitigation framework and we look forward to working with the BLM and others on this effort. Mitigation measures must last for the duration of the impacts, factor in time delays for the onset of mitigation benefits, and be scaled up by several factors to allow for project failures.

Proactive work to reduce annual invasive grasses

We recommend that the BLM do more to reduce cheatgrass prevalence in rangelands *before* they burn. In Sage-grouse PHMA and IHMA, the BLM should work proactively to restore native forbs and bunch grasses and to decrease the percentage of non-native annual grasses. These actions should not be taken at the expense of the sagebrush overstory. This way, when a wildfire burns through, there is a higher likelihood of successful native reestablishment and success of restoration efforts.

Such cheatgrass reduction efforts should include modifying the timing or intensity of livestock grazing practices so livestock target the cheatgrass while reducing impacts on forbs and perennial bunch grasses. The BLM should schedule grazing rotations in such a manner that grazing offers the best chance of reducing invasive plants, such as spring prior to cheatgrass maturation and curing. One element for the BLM to consider is the incorporation of real time monitoring and the establishment of triggers set for adaptive management and livestock rotation at appropriate times to avoid excessive soil and native vegetation impacts. We also recommend the BLM establish a long-term monitoring program that can help inform future cheatgrass reduction efforts and document the effectiveness of the proposed actions for reducing invasive plants.

We recommend the agency also plant natives in small batches following fuel reduction in favorable areas, and protect these areas as necessary from initial grazing, then overgrazing as needed.

The BLM should consider the management recommendations below for reducing cheatgrass in important habitats (recommendations courtesy of Roger Rosentreter, pers. communication):

Best Management Practices to Limit Cheatgrass

1. Clean vehicle and boots when working in different sites to avoid transfer of hybrid germplasm of cheatgrass and other exotic plants.
2. Quarantine or contain livestock for 3 days before moving them to a new area to avoid the transfer of hybrid germplasm of cheatgrass and other exotic plants.
3. Avoid soil surface disturbance that creates a seedbed for cheatgrass.
4. Avoid soil surface disturbance when silty soils are dry and most susceptible to disturbance.
5. Use minimum till drills when seeding.

6. Avoid the use of rangeland drills or disking since this soil disturbance promotes cheatgrass.
7. Limit access to those roads and trails that are signed as open.
8. Close areas to open/unlimited OHV use.
9. Start fall grazing only after soil moisture is established by fall rains to decrease soil disturbance.
10. Use winter grazing when possible and limit spring and summer grazing.
11. Allotments not meeting S & G's should be closed and rested.
12. Change all allotments from an annual grazing system to a rest rotation system, to allow native plants to occasionally set seeds.
13. Manage allotments for the benefit of biological soil crusts.
14. Manage allotments to benefit native perennial grasses.
15. Remove feral horses.
16. Stop water hauling and turn off the water pipelines.

Restoration of Arid Lands

1. Conduct active restoration only in areas that do not have high natural recovery rates.
2. Use more passive restoration post-disturbance, such as after fire, but rest burned areas longer than two seasons.
3. Conduct active restoration only in areas that experience a high burn intensity. Many areas would be better off without the disturbance of attempted rangeland drill seeding.
4. Stop all soil surface plowing and disking.
5. Use minimum till drills for all seedings.
6. Use native plants for restoration and fuel breaks.
7. Use Sandberg bluegrass for fuel breaks, not exotic/non-native plants that support few if any native insects.
8. Close restoration lands to all grazing and OHV use until over 75% of the seeded perennials are producing seed (ie. from 2-8 years).
9. Manage restoration areas to benefit and enhance biological soil crusts.
10. Seed sagebrush for the first *two* years after a fire. Research shows that it can increase the success rate from 60% to 90%. That doubles the immediate expense, but in the long run it will cost far less to taxpayers.
11. Only use herbicide in areas that had a lot of cheatgrass pre-disturbance. If herbicide is used, then follow it up with native seedings. Fires, such as the recent Pothole Fire, were treated with herbicide but never seeded. This area will revert right back to cheatgrass.

Herbicides

Because of the serious ecological damage caused by annual invasive grasses, we support the judicious use of herbicides when careful analysis demonstrates its appropriateness on a site-specific basis. However, the environmental costs of herbicide use must always be carefully weighed against the benefits in light of alternative methods of fuel reduction. The burden rests on the BLM to demonstrate, via analyses of the characteristics of specific herbicides as well as site conditions and weather patterns, that proposed herbicide application treatments will not adversely impact non-target species or overall ecosystem integrity.

Non-herbicide treatments and prevention techniques should be utilized in situations where herbicide application may result in unintended harm.

We are especially concerned about the potential impacts associated with herbicide application near live water resources and/or groundwater resources, and we do not recommend chemical use in these areas. The herbicides chlorsulfuron, picloram, and metsulfuron methyl have been found to adversely affect biological crusts and their associated soil organisms (BLM 2019 p. 41). While current research indicates that these chemicals reduce but not eliminate biological crusts, we recommend the BLM avoid using these three herbicides in any areas with intact soils and biological crusts. Intact biological crusts offer the best protection against invasive grasses and noxious weeds.

Pesticides

Sage-grouse Management Areas support a variety of arthropods. Many insects are an important food source for sage-grouse chicks, others play key roles as pollinators or provide other critical ecosystem services. There is a large emphasis on the importance of livestock grazing in reducing hazardous fuels. We wish to point out that insects such as grasshoppers also consume standing vegetation and thus reduce hazardous fuels. Some insects such as Mormon crickets can be pests to agricultural operations and large areas may be treated with pesticides. On BLM lands, we strongly caution against unnecessary or poorly managed pesticide applications as these pesticides may reduce food source for sage-grouse chicks and interrupt natural herbivory of vegetation and related fuel reduction by native insects.

Fuel breaks and other fire control measures

The Idaho Conservation League cautiously supports the use of targeted grazing practices in ecologically compromised areas to reduce hazardous fine fuel loads, invasive grass and weed seed bank stock. Successful targeted grazing is labor intensive, requires electric fences and/or herders to keep livestock from intensively grazing other areas, and necessitates watering infrastructure. Targeted fuel breaks should be located outside of PHMA and IHMA habitat, be located alongside roads or previously disturbed areas, and implemented in ways that minimize new soil disturbance, preserve cryptobiotic crust, and avoid disturbing cultural resources.

Fuel breaks can serve as a critical tool for stopping wildfire spread in certain circumstances, but there are a number of caveats to consider. Shinneman et al. (2018) examined previous fuel break studies and related scientific evidence to address three primary questions: fuel break effectiveness on fire and suppression efforts in sagebrush communities; how fuel breaks affect sagebrush plant communities; and fuel break effects on sage-grouse and other wildlife. The researchers found that green fuel breaks (which consist of replacing highly flammable invasive grasses with fire resistant, drought tolerant, moisture holding species) established under ideal conditions offer protections as advertised. However, the effectiveness of green strips to modify fire behavior subsides:

> ….without regular maintenance, and the treated areas may be prone to litter accumulation or invasion by annual species (Monsen, 1994; Gray and Muir, 2013; Meastas and others, 2016a). Thus, the effectiveness of a green strip to alter fire behavior can reduce over time without maintenance, and they typically need to be

> mowed or grazed to reduce the buildup of fine fuel between the desired plants (Monsen, 1994; Maestas, Pellant, and others, 2016) (Shinneman et al. 2018, p. 15).

Unlike brown and green strips, mown fuel breaks do not reduce fuel loads, but focus on mechanically reducing vegetation height to diminish flame lengths and reduce fire spread speed. Mown fuel breaks represent a common preferred treatment in sagebrush communities. In order to limit the spread of annual invasive grasses within fuel breaks, it is important that the mower "reach out" into the vegetation while the vehicle remains on the roadway and not disturb the soil. Aprons of gravel alongside the road can help limit revegetation next to the roadway and effectively increase the width of the fuel beak. Downsides to mown fuel breaks include a potential loss of herbaceous plants, and require yearly mowing or targeted grazing to maintain the desired plant height within the break (Shinneman et al. 2018, p. 17).

Shinneman and others note that very little data or research exists to support the argument that fuel breaks have a net positive outcome on a landscape scale. In fact, they state that, "implementation of fuel break systems by land managers is a grand experiment that is not feasible for researchers to replicate or emulate at the appropriate scales; thus, integrating scientific assessment in the form of adaptive management of fuel breaks may also be a key path forward," (p. 46). Further, "the lack of well-mapped historical linear fuel breaks makes a retrospective analysis difficult for many applications" (p. 48).

We believe there is merit in developing a fuel break network outside of sage-grouse habitat that could slow wildfire growth and intensity and provide firefighter safety zones. However, preserving and enhancing intact PHMAs and IHMAs should remain the driving force behind the Plan amendments. Fuel breaks within PHMAS and IHMAs can fragment sagebrush steppe habitat, spread noxious weeds, and serve as conduits for annual grasses, making these core areas less resistant and resilient to wildfires. We are also concerned that fuel breaks will increase the amount of motorized vehicle use and associated negative impacts, including human-caused ignitions. As such, we recommend locating fuel breaks on the outside or perimeter of intact sagebrush habitat, not within them.

To the extent practicable, we also recommend that the BLM pre-place fire fighting equipment in strategic locations at the start of wildfire season when possible. We also recommend working with permittees to configure livestock ponds so they are available for air or ground based suppression efforts. The BLM should keep track of the water levels in these ponds so they know which ones are available for fire suppression. Rural Fire Protection Associations can be force multipliers in fire fighting efforts and we strongly encourage the BLM to increase partnerships with RFPAs and support them as possible. We also encourage the BLM to continue to coordinate with the Idaho Department of Lands on fire fighting efforts.

Restoration following wildfires

Restoring fire affected areas will be a critical component of sage-grouse conservation. We invite the BLM to carefully review the many lessons learned from fire recovery efforts such as at the Soda Fire. One assessment is that the BLM may have done more damage than restoration with some specific efforts due to soil disturbance from unnecessary drill seeding and non-targeted or

poorly timed herbicide application. In several instances, annual bunchgrasses were recovering independently but were killed through overapplications of herbicide intended to target cheatgrass. Moving forward, it would be helpful to have resource specialists on the ground involved in the decisions regarding recovery efforts. Please see Attachment 1, Soda Fire Report by Roger Rosentreter, based on an April 12, 2016 tour, sponsored by the Society for Ecological Restoration.

We also hope to see the BLM take a close look at other restoration efforts such as strategic juniper removal, reseeding, wet meadow restoration, beaver dam analogs can help reconnect metapopulations and reverse tripped triggers. There have been reports of juniper treatments being conducted well outside of sage-grouse habitat that remove old growth juniper and we hope the BLM Plans will prevent this type of action and focus on strategic Phase 1 and Phase 11 juniper areas.

Land exchanges

Much of the BLM managed sage-grouse habitat is intermixed with state endowment lands or private properties. The State has a vested interest in preventing wildfires within and around state endowment lands and can be an asset to the BLM in fire fighting efforts. The Idaho State Board of Land Commissioners developed a 2015 Greater Sage-Grouse Conservation Plan to complement the 2015 BLM Plan Amendments:

> The Land Board's Greater Sage-Grouse Conservation Plan includes enforceable stipulations in leases, permits, and easements on endowment lands. It also spells out recommended best management practices for activities pertaining to the State's role in supporting fire prevention, suppression, and rehabilitation, and regulating oil and gas development, some mining activities, and abandoned mine reclamation.

While some activities such as livestock grazing on state lands may be compatible with long term sage-grouse conservation (depending on operation specifics), others like mineral development likely are not. The conservation measures the state has been willing to employ to date are not as protective of sage-grouse as the 2015 BLM Plans and are not consistent with the NTT Guidance or COT reports in several areas. For example, there is a 0.62 buffer[7] between drilling operations and sage-grouse leks instead of the recommended 4 mile buffer. The State made the following argument in having a lower level of protections:

> Conservation measures recommended for federal lands were not included in the Land Board's plan because they would impose unreasonable constraints on the State's ability and obligation to ensure endowment lands maintain their constitutionally derived purpose of generating maximum long-term financial returns to public schools and other State institutions. Given the constitutional mandate for management of endowment lands and the small percentage of endowment lands located in core and important habitat zones, it

[7] https://www.idl.idaho.gov/wp-content/uploads/sites/2/news-media/2015-releases/4-23-2015-idaho-rolls-out-additional-measures-to-conserve-sage-grouse.pdf

> is unnecessary and problematic that the State of Idaho manages its lands in the same way as federal land managers.[8]

As such, the BLM may need to consider state parcels as sage-grouse "sinks," depending on the permitted uses on these properties. With this in mind, we recommend that the BLM manage its own properties to a higher standard to make up for this difference. In many other cases, federal land management agencies that manage for multiple uses include additional safeguards to protect fish and wildlife habitat. For example, Forest Service PACFISH and INFISH riparian buffers generally provide more safeguards for water quality and habitat for cold water fisheries than the Idaho State Forest Practices Act.

There is a noteworthy strategy within the Idaho Department of Land's Sage-grouse plan which the BLM should support and prioritize in the RMP Plan Amendments. In observing that there may be conflicts between conserving sage-grouse and meeting its fiduciary obligations, the State has articulated a position in support of land exchanges that are in both the BLMs and the State's best interest:

> IDL adopts a general strategy aimed at reducing endowment ownership of Key Habitat within Core Habitat Zones through completion of land exchanges with the BLM. This strategy would provide the greatest levels of certainty for conservation of core sage-grouse habitat. Once endowment lands have been proposed to be included in a formal land exchange with the submission and acceptance of an Agreement to Initiate (ATI) with the BLM, the IDL, with Land Board concurrence, would commit to up to a three-year deferral on leasing of those lands for mineral development in order to accomplish the exchange. Key habitat areas within Core Habitat Zones within the endowment trust estate would be prioritized for exchange. In exchange for those endowment lands, IDL would prioritize BLM lands and/or minerals with the following characteristics for acquisition consistent with its duty to maximize revenue over the long term in accordance with Article IX, Section 8 of the Idaho Constitution: 1) lands and minerals located outside of Core and Important Habitat Zones, 2) lands with oil and gas resource development potential, 3) lands with non-native vegetation (previously seeded crested wheatgrass), and 4) lands that block up existing IDL ownership, not necessarily limited to the current disposal lists in the respective Resource Management Plans.[9]

The State of Idaho and the BLM recently successfully completed a land exchange in the Owyhee Canyonlands in which the BLM acquired 23,000 acres of endowment lands, many of which provide priority and important habitat for sage-grouse. The project was initiated in 2008 and then delayed and scaled back due to concerns by state grazing lessees and grazing permittees who did not want land ownership to change. The BLM and State worked with grazing permittees and other stakeholders to address these concerns and enabled the project to move forward.

Regarding the Plan amendments, we encourage the BLM Plans to consider additional land exchanges with the State of Idaho and other willing property owners. If and when these transfers are complete, we recommend that the BLM enact a mineral segregation on these properties to

[8] https://www.idl.idaho.gov/wp-content/uploads/sites/2/2020/06/land-board-sage-grouse-plan.pdf
[9] Ibid.

protect the conservation values of these land exchanges. We note that the State of Idaho has expressed a willingness to defer mineral leases on these properties for three years and believe the BLM should match and expand that for a minimum of 20 years. While the IDL suggests utilizing a CE for these exchanges, we believe that an EA may be more appropriate. We also note that the BLM has also acquired several high value conservation properties from willing landowners in the Owyhee Canyonlands. The BLM should assess if the Great American Outdoors Act and other funding sources might be able to assist with these efforts.

Livestock grazing

We believe that properly managed livestock grazing is compatible with sage-grouse conservation, but there are also examples where inappropriate grazing practices have resulted in degradation of sage-grouse habitat. Recent studies suggest that improper livestock grazing is associated with increase of annual grasses such as cheatgrass.[10] We also note that the majority of grazing allotments are not meeting one or more of Idaho's Standards of Rangeland Health:

> ...according to 2018 BLM data, only about 36% of the BLM's 154 million acres of land open for grazing meets the bureau's rangeland health standards. About 26% fails to meet the standards. The bureau doesn't know the ecological state of about 38% of its grazing land, partly because it's in very remote areas.[11]

Additional flexibility and outcome based management are important tools in accomplishing vegetation management goals, but if they are not carefully monitored and managed, they could exacerbate unhealthy rangeland conditions. In order to accommodate increased flexibility, the BLM and permittees need to improve baseline and real time monitoring, provide for increased communications and accountability, establish soft and hard triggers for reevaluating and changing management, and have more frequent adaptive management reviews. For outcome based management to succeed, there will need to be increased involvement by the permittees in monitoring and increased staffing by the BLM. Continued ability for the public to engage in grazing permitting decisions is important for public trust.

In the Owyhee Canyonlands, there are over 145,000 acres of allotments that were economically marginal for producers but had high ecological integrity. These allotments were retired voluntarily by permittees who relinquished their grazing permits and, under Public Land 111-11, the BLM permanently retired them from future livestock grazing. Within the retired allotments, there has generally been an increase in biocrusts, native forbs and perennial bunch grasses and a decrease in cheatgrass (personal observation). To my knowledge, the BLM has not conducted any studies of these retired allotments in terms of which habitat types benefited the most from retirements and in which habitats exhibited little difference from grazed areas. Such studies could help inform future discussions about which areas are most suitable for livestock retirements or rest and which ones may not benefit from decreased grazing.

We note that unauthorized grazing has continued to be an issue within highly ecologically sensitive areas that are closed to livestock grazing and which are classified as PHMA or IHMA.

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[10] https://link.springer.com/article/10.1007%2Fs10530-019-02120-8

[11] https://news.bloombergenvironment.com/environment-and-energy/new-sagebrush-rebellion-prompts-look-at-who-controls-old-west

We have been in touch with local BLM offices and permittees regarding these issues. In most of these cases, the unauthorized grazing has been due to lack of adequate fence inspections or maintenance before turnout. Unfortunately, the BLM and permittees have not always responded quickly enough to prevent extensive resource damage in these areas from occurring. Additional staffing, monitoring and coordination with permittees is needed to prevent unmanaged resource degradation. We also recommend that livestock are visibly branded, have large, visible ear tags for easier identification, and are accounted for at the beginning and end of each grazing season.

Water developments
The BLM should take this opportunity to reevaluate the design placement for existing troughs, reservoirs and pipelines in Sage-grouse Management Areas. We have noted that some permittees have designed reservoirs in ways to minimize mosquitoes that carry West Nile virus and provide habitat for amphibians such as spotted frogs. We encourage the BLM to continue to develop the designs for ponds that can better serve livestock, wildlife and fire fighting efforts. While we appreciate regulations requiring bird escape ramps in water troughs, we have found these important design features to be inconsistently applied and recommend that the BLM increase outreach, education, support and enforcement.

Fencing
The BLM should ensure that fences are upgraded over time to be wildlife-friendly fences with barbless wire on the bottom string as entrapped wildlife can subsidize ravens. In addition, fences should be relocated or retrofitted with visual markers in areas where sage-grouse may collide with the fences. The BLM should also look for opportunities to work with organizations to remove unnecessary fences that can pose a threat to sage-grouse. The BLM should strengthen the regulations so that fence maintenance responsibilities are clear and that fences need to be in proper functioning condition before turnout.

Targeted Grazing
The concept of using targeted grazing to create fuel breaks is popular and appears in both BLM and State sage-grouse plans. The Agricultural Research Service (ARS) coordinated with the BLM on a multi-year study of the effectiveness of targeted grazing. While the annual summary reports indicated that targeted grazing was successful, as many had hoped, these summaries appear to have highlighted non-representative examples from the annual reports. The majority of the data from the annual reports are overshadowed by extraneous variables and limited statistical significance of testing. Please see Attachment B. Our overall impression of this program is that targeted grazing may be in danger of missing the target. Targeted grazing appears to be most successful with more intensive management with regards to electric fencing and range riders.

It may well be that targeted grazing can still be effective, but more work is needed to determine what additional design features are needed and in what circumstances this approach might be successful. The BLM should take a closer look at the results of these and other studies and examine best management practices before promoting targeted grazing as an effective fuel reduction strategy. Additionally, the BLM should assess the temporal trends within these targeted grazing studies to understand how targeted grazing can affect the landscape over the long term.

Predation
We support the BLM's efforts to reduce infrastructure such as transmission lines that may subsidize unnatural densities of predators such as ravens. Other predator subsidies include dead livestock that are not properly disposed of and road kill. We recommend updating Annual Operating Instructions in areas where predators are a concern and requiring that dead livestock be buried or removed in a timely fashion.[12] We also recommend working with local and state transportation departments on not only roadkill removal but also designing safe wildlife crossings and corridors to prevent wildlife collisions in the first place.

Recreation management
Unmanaged recreation activities can directly disturb sage-grouse, spread noxious weeds, impact soils, fragment habitat and lead to human-caused wildfire ignitions. Over 80% of the wildfires in the BLM Boise District are human caused. Recreation numbers have increased dramatically in recent years and there is little to no BLM enforcement presence.

Within Idaho, the BLM has invested years developing several BLM travel management plans in key areas, but many of these projects have stalled and never been finalized. Congress directed that BLM complete several travel management plans in the Owyhee Canyonlands by 2012, but several of these have still not been finished. The BLM should prioritize the completion of travel management plans within Sage-grouse Management Areas, starting with plans containing PHMAs and IHMAs. Travel management will not be successful without additional BLM recreation and law enforcement staff to help with outreach, education and enforcement.

Unneeded unauthorized roads and routes should be rehabilitated as a design feature to help prevent the continued spread of invasive species. Weeds along non-system routes to be restored should be treated before the road obliteration work is completed. Additional outreach and education regarding travel management plans will help keep OHVs on designated routes and slow weed expansion. The BLM should also invest more in maintaining OHV trails and providing associated infrastructure such as signage so that users stay on the trails.

We recommend partnering with user groups to help educate users on open routes. Signs and informational kiosks with maps should be placed at all trailheads and staging areas that communicate the BLM's policies and regulations regarding the use of motor vehicles on public lands. Printed materials in maps and at kiosks should include the following points: taking a map and knowing the trail system, keeping vehicles clean, using spark arrestors to avoid wildfires, staying on designated trails, and staying off muddy trails. Photos in outreach materials should display recreationists using proper trail etiquette. These resources should also be available online.

The agency should indicate it reserves the right to close an area if recreationists do not follow the policies and regulations, or practice destructive riding practices on public lands. Outreach materials should include phone numbers for the relevant BLM offices so that members of the public can report violations in a timely manner, thus increasing the capacity of user groups to encourage responsible use of public lands.

[12] https://news.yahoo.com/reducing-roadkill-possible-savior-sage-191600918.html

We also recommend that all signs and trail markers should include an emblem of an American flag and the logo of local OHVs groups that support the designated trail system in order to discourage theft and vandalism to help ensure that information remains readable and available.

Mineral withdrawal

While the BLM is not soliciting comments on the Mineral Withdrawal DEIS at this time, we wish to note that mining and related infrastructure such as roads and mill sites, can have adverse, long-term impacts on sage-grouse.

While most mining activity in Idaho has taken place outside of sage-grouse habitat, the map of Sagebrush Focal Area shows a considerable number of claims within each of the Conservation Areas. The Idaho Geologic Survey has an interactive map which shows the locations of current and historic mines. http://www.idahogeology.org/webmap/ This map reinforces the importance of a mineral segregation to protect sage-grouse habitat from future disturbance.

The National Technical Team recommendation for priority habitat is the "withdrawal from mineral entry based on risk to the sage‐grouse and its habitat from conflicting locatable mineral potential and development," and to "make any existing claims within the withdrawal area subject to validity patent exams or buy out." In a March 12, 2015 letter from grouse conservation scientists to Secretaries Jewell and Vilsack, the importance of this recommendation was reiterated, stating, "Closing and recommending for immediate withdrawal lands from leasing or sale (including coal) under federal mineral laws for the maximum period allowed under law (NTT 2011: 22, 24-25, 26)."

While the majority of Idaho's Sage-grouse Management Areas do not have significant mineral resources, there is the potential for mineral development in certain areas and to encroach onto existing habitat management areas and further shrink habitat. The BLM Pocatello Field Office in the Idaho Falls BLM District is currently accepting public comments on the Pilot Gold Exploration Plan of Operations which entails creating 118 drill pads/sites within the 3,181.38-acre Project Area and constructing approximately 14.5 miles of new access roads. While the project appears to be adjacent to IHMA and GHMA, it is unclear how close the project activities will be to sage-grouse or not since the BLM does not include any references to sage-grouse in scoping notice. Even if this project is outside of Sage-grouse management areas, which we hope it is, it serves as an example of the activities that are currently under consideration. Even if a mine footprint is not within a sage-grouse management area, the transmission line to power operations or the mine access roads may cut through sage-grouse habitat, as is the case with the Integra's Delamar Mining Project under review by the Owyhee Field Office of the Boise BLM District. As such, we believe that a mineral segregation in Sage-Grouse Management Areas are an important tool to consider moving forward. We also recognize that such a withdrawal will likely grandfather existing valid claims.

We support the following design features to minimize impacts as identified in the 2015 Idaho Plan Amendments and suggest the BLM review them for adequacy:

- *No repeated or sustained behavioral disturbance (e.g., visual and noise over 10 dbA at lek, etc.) to lekking birds from 6:00 pm to 9:00 am within 2 miles (3.2 km) of leks during the lekking season.*
- *Avoid mechanized anthropogenic disturbance in nesting habitat during the nesting season when implementing: 1) fuels/vegetation/habitat restoration management projects, 2) infrastructure construction or maintenance, 3) geophysical exploration activities; 4) organized motorized recreational events.*
- *Avoid mechanized anthropogenic disturbance during the winter, in wintering areas when implementing: 1) fuels/vegetation/habitat restoration management projects, 2) infrastructure construction or maintenance, 3) geophysical exploration activities; 4) organized motorized recreational events.*
- *Locate roads to avoid priority areas and habitats as described in the Wildfire and Invasive Species Assessments.*
- *Establish speed limits on BLM and FS system roads to reduce vehicle/wildlife collisions or design roads to be driven at slower speeds.*
- *Require noise shields when drilling during the lek, nesting, brood-rearing, or wintering season.*
- *Require sage-grouse-safe fences.*
- *Use dust abatement on roads and pads.*
- *Include objectives for ensuring habitat restoration to meet sage-grouse habitat needs in*
- *reclamation practices/sites (Pyke 2011)**[9]**.*
- *Maximize the area of interim reclamation on long-term access roads and well pads,*
- *including reshaping, topsoiling and revegetating cut-and-fill slopes.*

We note that gravel quarries and borrow pits provide important materials for local road maintenance, public safety, and preventing erosion. Where such sites exist and may have some impacts on sage-grouse, we suggest mitigating any disturbances by coordinating with the quarry owners and local road departments on projects like roadkill removal or wildlife crossings, as applicable.

Noise

The effect of anthropogenic noise on greater sage grouse is a field of research that has received significant attention recently resulting in a greatly expanded understanding of sound and its influence on greater sage grouse (Nevada Dept. of Wildlife, 2018). Chronic noise has been shown to have a negative effect on greater sage grouse (Blickley et al 2012). Males and possibly female grouse avoided leks exposed to anthropogenic noise. Avoidance or abandonment of leks can lead to population-level decreases in abundance.

Idaho's Sage-grouse Conservation Plan specifies the following measure to protect leks: "New noise levels, at the perimeter of a lek, should not exceed 10dBA above ambient noise (existing activity included) from 6:00 PM to 8:00 AM during the initiation of breeding (March 1-May 15)." Furthermore, the Bureau of Land Management's (BLM) 2015 Record of Decision and Approved Resource Management Plan Amendments for sage-grouse identifies a similar noise restriction and highlights the importance of protecting leks and provides guidance for establishing buffers with local project-specific information to avoid or minimize disturbance to lekking sage-grouse. We support these measures.

Feral horses
The BLM should take a close look at the impacts of feral horses on sage-grouse habitat.

Accurate maps
One frustrating item from the 2015 Plans is the lack of accuracy of the maps depicting Sage-Grouse Management Areas and the Sagebrush Focal Areas. The initial inclusion of areas that were clearly not sage-grouse habitat was a source of frustration for many. Moving ahead, the BLM should be sure that the maps of Habitat Management Areas are accompanied by more accurate local maps showing finer habitat details and distinguishing between small areas of habitat and non-habitat.

Collaborative solutions
While many stakeholders likely have diverse perspectives and varying recommendations for the BLM on how to best address any of these issues, we think there is value in convening discussions with others to better understand each other's perspectives and to see if there are any emerging zones of agreement on particular issues. Where recommendations are in alignment and there is a group effort to address a particular issue, these solutions tend to be the most durable and form a foundation for taking broader actions.

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June 13, 2024

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Dear Mr. Bahr and Ms. Deibert,

Oregon Department of Fish and Wildlife (ODFW) appreciates the opportunity to comment on the Bureau of Land Management (BLM) Greater Sage-Grouse (GRSG or sage-grouse) Land Use Plan Amendments and Draft Environmental Impact Statement (DEIS), and the opportunity to coordinate with the BLM as a cooperating agency during this planning process.

The goal of this range-wide BLM planning effort "is to conserve, enhance, restore, and manage GRSG habitats to support persistent, healthy populations, consistent with BLM's Special Status Species Management Policy (BLM-M-6840) and in coordination and cooperation with state wildlife agencies. Habitat conservation and management should maintain existing connectivity between GRSG populations."

ODFW does not agree the BLM's preferred alternative in the Draft EIS will meet the goal of this range-wide planning effort, but rather, may facilitate continued population declines of sage-grouse as have been documented for the species over the past 60 years (Coates et al. 2023). ODFW is concerned that the reduction in conservation standards for sage-grouse range-wide under the BLM's preferred alternative in the DEIS, especially regarding the reductions in regulatory mechanisms to limit anthropogenic disturbance and development of sage-grouse habitat on BLM lands, will result in negative impacts to the species range-wide. There has been no scientific research published since 2015 to support the BLM's proposed reductions in conservation standards from the 2015 BLM GRSG Approved Resource Management Plan Amendment (ARMPA) in the preferred alternative of the DEIS. Although Oregon has strict land use standards for large-scale development in sage-grouse habitat per Oregon Administrative Rules (OARs) 660-023-0115 and 635-140-0025, ODFW is concerned the lower conservation standards for development activities on BLM lands within the extent of the planning area will negatively affect Oregon's sage-grouse populations both directly and indirectly. Additionally, sage-grouse habitat management under the DEIS preferred alternative is not consistent with Oregon policies (OARs 635-140-0000–0025; 660-023-0115) or plans (Oregon Sage-Grouse Conservation Assessment and Strategy; Oregon Sage-Grouse State Action Plan) for sage-grouse conservation in Oregon.

Comparing the BLM 2015 Oregon Sage-Grouse ARMPA to the BLM DEIS Preferred Alternative

The sage-grouse conservation standards as set in the 2015 BLM Sage-Grouse ARMPA (Alternative 1) are reduced under the BLM DEIS preferred alternative (Alternative 5) for the following topics, in the order these topics are presented in Chapter 2. of the DEIS:

Sagebrush Focal Areas (SFAs)

Sagebrush Focal Areas and the conservation measures associated with these key sage-grouse habitats on approximately 10 million acres of Federal lands in Idaho, Montana, Nevada, Oregon, Utah, and Wyoming were an important consideration of the of the U.S. Fish and Wildlife Service during their review of the species' status leading up to their 2015 determination sage-grouse were not warranted for listing under the Endangered Species Act range-wide. The BLM's preferred alternative (Alternative 5) in the DEIS specifies 'No areas would be identified or managed as SFAs'. ODFW notes this removal of SFAs and associated management actions on SFAs is a significant reduction in the BLM's conservation standard for sage-grouse from the 2015 GRSG ARMPA.

Saleable Minerals/Mineral Materials in Priority Habitat Management Areas (PHMA)

BLM's preferred alternative (Alternative 5) in the DEIS for the topic of Saleable minerals/Mineral materials in PHMA lowers the conservation standard from the Oregon 2015 GRSG ARMPA, in which SFAs were closed to Saleable Minerals/Mineral materials. Additionally, In the Oregon State-Specific Circumstances – Saleable Minerals/Mineral Materials, Alternatives 4–6 specify BLM may authorize implementation of use or expansion of an existing, authorized material site without further analysis or mitigation if the BLM's NEPA analysis determines no significant impact from the implementation. This new language lowers the conservation standard from the Oregon 2015 GRSG ARMPA.

Locatable Materials in PHMA

BLM's preferred alternative (Alternative 5) in the DEIS for the topic of Locatable minerals in PHMA lowers the conservation standard from the 2015 GRSG ARMPA (Alternative 1), in which SFAs were recommended for withdrawal from location and entry under the Mining Law of 1872. Under the DEIS action alternatives, no areas would be identified or managed as SFAs, removing the potential for SFA withdrawal from location and entry under the Mining Law of 1872.

Fluid Minerals in General Habitat Management Areas (GHMA)

BLM's preferred alternative (Alternative 5) in the DEIS for the topic of Fluid minerals in GHMA lowers the conservation standard from the 2015 GRSG ARMPA (Alternative 1), in which Fluid minerals in GHMA in Oregon were under NSO within 1 mile of leks. Under the DEIS preferred alternative, Fluid minerals in GHMA in Oregon are open with minor stipulations.

Minor Rights-of-Way (ROWs) in GHMA

BLM's preferred alternative (Alternative 5) in the DEIS for the topic of Minor Rights-of-Way in GHMA lowers the conservation standard from the 2015 GRSG ARMPA (Alternative 1), in which all states were open to Minor ROWs in GHMA with mitigation (except Wyoming). Under the DEIS preferred alternative, Minor ROWs in GHMA in Oregon, Nevada, and California are open with minimization measures, and Minor ROWs in GHMA in Idaho, Utah, and Wyoming are open.

Mitigation

BLM's action alternatives, including the preferred alternative (Alternative 5), in the DEIS for the topic of Mitigation lower the conservation standard from the 2015 GRSG ARMPA (Alternative 1), in which most states require mitigation and ensure mitigation provides a net conservation gain to GRSG. Under the DEIS preferred alternative, BLM will apply the mitigation hierarchy when authorizing third-party actions resulting in GRSG habitat loss and degradation to achieve the minimum standard of no net habitat loss.

Under the DEIS preferred alternative, BLM specifies 'mitigation amounts should comply with State agency or regulatory requirements and consistent with BLM mitigation policy'. ODFW appreciates BLM's requirement of compensatory mitigation to follow state-specific regulations and standards. However, although Oregon has strict standards for large-scale development in sage-grouse habitat per Oregon Administrative Rules (OARs) 660-023-0115 and 635-140-0025, ODFW is concerned the lower conservation standards for development activities on BLM lands within the extent of the planning area will negatively affect Oregon's sage-grouse populations both directly and indirectly.

Disturbance Cap

BLM's preferred alternative (Alternative 5) in the DEIS for the topic of Disturbance Caps lowers the conservation standard from the Oregon 2015 GRSG ARMPA, in which implementation of a 3% disturbance cap in PHMA was not to exceed 1% per decade at the PAC-scale and proposed project analysis scale. Additionally, the Oregon GRSG 2015 ARMPA included implementation of a density cap in PHMA of an average of one energy and mining facility per 640 acres. Under the DEIS preferred alternative, these two Oregon state-specific circumstances are not included.

Fluid Mineral Lease Stipulation Waivers, Exceptions, and Modifications

BLM's preferred alternative (Alternative 5) in the DEIS for the topic of Fluid Mineral Lease Stipulation Waivers, Exceptions, and Modifications lowers the conservation standard from the 2015 GRSG ARMPA (Alternative 1), in which there are no Waivers, Exceptions, or Modifications (WEMs) to the No Surface Occupancy (NSO) stipulations in SFAs for Idaho, Montana/Dakotas, Nevada/California, Oregon, and Utah. Under the DEIS action alternatives, no areas would be identified or managed as SFAs, removing the WEMs to the NSO stipulations in these key areas.

BLM's preferred alternative (Alternative 5) in the DEIS for the topic of Fluid Mineral Lease Stipulation Modifications in PHMA lowers the conservation standard from the 2015 GRSG ARMPA (Alternative 1), in which there are no Modifications to the No Surface Occupancy (NSO) stipulations in PHMA for Idaho, Montana/Dakotas, Nevada/California, Oregon, and Utah. Under the DEIS preferred alternative, modifications to the fluid mineral lease NSO stipulation in PHMA may be considered and granted by the BLM following the process described by in the DEIS Alternatives 4–6 for this topic.

BLM's preferred alternative (Alternative 5) in the DEIS for the topic of Fluid Mineral Lease Stipulation Exceptions in GHMA lowers the conservation standard from the 2015 GRSG ARMPA (Alternative 1), in which No Surface Occupancy (NSO) applies within 1 mile of pending or occupied leks in GHMA for Oregon with exceptions potentially granted in coordination with ODFW during project implementation and if Best Management Practices (BMPs) are implemented. Under the DEIS preferred alternative, the 1-mile buffer around pending or occupied leks in GHMA in which NSO applies is removed for Oregon.

BLM's preferred alternative (Alternative 5) in the DEIS for the topic of Fluid Mineral Lease Stipulation Modifications in GHMA lowers the conservation standard from the 2015 GRSG ARMPA (Alternative 1), in which No Surface Occupancy (NSO) applies within 1 mile of pending or occupied leks in GHMA for Oregon with no modifications. Under the DEIS preferred alternative, modifications to the fluid mineral lease NSO stipulation in GHMA may be considered and granted by the BLM following the process described by in the DEIS Alternatives 4–6 for this topic.

Reviewable Energy Development and Associated Transmission

BLM's preferred alternative (Alternative 5) in the DEIS for the topic of Wind and Solar in PHMA lowers the conservation standard from the 2015 GRSG ARMPA (Alternative 1), in which PHMA are exclusion areas for utility scale wind and solar development. In Oregon, PHMA in Lake, Harney, and Malheur counties are avoidance areas for utility scale wind and solar development; however, SFAs in these counties are managed as exclusion areas for utility scale wind and solar development. Under the DEIS preferred alternative, PHMA would be managed as avoidance areas for utility scale wind and solar energy testing and development. BLM's preferred alternative (Alternative 5) in the DEIS for the topic of Wind and Solar in GHMA lowers the conservation standard from the 2015 GRSG ARMPA (Alternative 1), in which GHMA are avoidance areas for utility scale wind and solar development in Colorado, Montana, North Dakota, and Oregon. Under the DEIS preferred alternative, GHMA would be open for utility scale wind and solar energy testing and development with minimization and compensatory mitigation.

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ODFW Comments on the BLM Sage-Grouse Land Use Plan Amendments and Draft EIS: Chapter 2. Alternatives

ODFW reviewed the Alternatives Chapter (Chapter 2) of the DEIS by topic, comparing the BLM preferred alternative (Alternative 5) with the other five alternatives. ODFW's comments and recommendations for each topic outlined in Chapter 2 are based on Oregon's current sage-grouse conservation standards and Oregon Administrative Rules (OARs) and are provided to maintain consistency between the DEIS for this amendment to BLM's Sage-Grouse Resource Management Plan and Oregon's sage-grouse plans and policies. This consistency will be necessary to ensure long-term conservation of sage-grouse in Oregon.

Topic – 2.5 Detailed Description of Draft Alternatives [Page 2-9]

- ODFW appreciates the BLM's attempt to standardize lek definitions range-wide under this RMP effort by using the WAFWA standardized lek protocols. However, use of the WAFWA definition for 'active lek' when referring to the term 'lek' throughout the RMP does not meet Oregon's conservation standards for sage-grouse resource planning and management due to the unique structure of Oregon's leks and lek complexes. ODFW requests the BLM use ODFW's definition of 'lek' for Oregon's state-specific Record of Decision (ROD), where use of the term 'lek' throughout the RMP follows the ODFW definition for 'occupied lek' or 'pending lek'.

Topic – 2.5.1 GRSG RMP Goal [Table 2-2., pages 2-9 and 2-10]

- ODFW supports BLM's overarching goal for this Resource Management Plan amendment, as described for Alternatives 3–6.

Topic – 2.5.2 Habitat Management Area Alignments and Associated Major Land Use Allocations, and Non-Habitat [Table 2-3., Table 2-4., Pages 2-11 through 2-21, Appendix 3]

- Priority Habitat Management Areas (PHMA) and Sagebrush Focal Areas (SFAs)
  - Under Alternatives 3, 4, 5, and 6, various maps of PHMA are identified. Appendix 3 specifies 'Oregon BLM anticipates using the final ODFW habitat designation maps to the maximum extent possible as a replacement of our draft PHMA and GHMA in the action alternatives in the BLM Final EIS'. ODFW worked cooperatively with sage-grouse stakeholders in Oregon, including BLM District staff and the Oregon BLM State Office, to update Oregon's sage-grouse core habitat and low-density habitat map in 2023. The final sage-grouse core and low-density map was approved and adopted by the Oregon Fish and Wildlife Commission on December 15, 2023, and represents the best available science for the state. BLM should utilize ODFW's updated and approved core habitat map as PHMA for the Proposed Plan in the Final EIS (FEIS) to maintain consistency between ODFW and Oregon BLM. Additionally, ODFW recommends BLM utilize ODFW's updated low-density habitat as GHMA for the Proposed Plan in the FEIS, or merge ODFW's updated low-density habitat with the BLM draft GHMA modeled for DEIS Alternatives 5 and 6.

- ODFW strongly recommends BLM retain Oregon's Sagebrush Focal Areas (SFAs) in the BLM's Proposed Plan for the FEIS. As specified in the Oregon 2015 GRSG ARMPA, SFAs are managed as PHMA, with the following additional management: A. Recommendation for withdrawal from the General Mining Law of 1872, B. Managed as No Surface Occupancy, without waiver, exception, or modification, for fluid mineral leasing, C. Prioritized for vegetation management and conservation actions, including, but not limited to, wild horse and burro management actions, review of livestock grazing permits/leases, and habitat restoration.

- <u>Fluid minerals in PHMA</u>
  - ODFW supports No Surface Occupancy in PHMA in Oregon.

- <u>Saleable Minerals/Mineral Materials in PHMA</u>
  - ODFW does not support BLM's preferred alternative for the topic of Saleable minerals/Mineral materials in PHMA, as the current language in DEIS Alternatives 5 and 6 lowers the conservation standard from the Oregon 2015 GRSG ARMPA (Alternative 1), in which SFAs were closed to Saleable Minerals/Mineral materials. ODFW strongly recommends BLM retain Oregon's SFAs in the BLM's Proposed Plan for the FEIS, and the Proposed Plan reflects language from the Oregon 2015 GRSG ARMPA, specifying SFAs as areas closed to Saleable Minerals/Mineral materials.
  - If the BLM fails to retain Oregon's SFAs in the FEIS, ODFW supports the language in Alternative 3 regarding Saleable Minerals/Mineral materials, where PHMA is closed to Saleable Minerals/Mineral materials except for free-use pits which support maintenance needs for existing local roads to ensure public safety. Even in these instances, new pits should avoid PHMA; if avoidance is not possible, they would need to apply the minimization measures identified for PHMA and require compensatory mitigation for impacts not covered by minimization measures.
  - In the Oregon State-Specific Circumstances – Saleable Minerals/Mineral Materials, Alternatives 4–6 specify BLM may authorize implementation of use or expansion of an existing, authorized material site without further analysis or mitigation if the BLM's NEPA analysis determines no significant impact from the implementation. This new language lowers the conservation standard from the Oregon 2015 GRSG ARMPA, so ODFW recommends keeping this language the same as Alternative 1 for the Proposed Plan in the FEIS. Additionally, the use or expansion of an existing, authorized material site may still trigger Oregon's sage-grouse mitigation policy, so this language in the DEIS for Alternatives 4–6, could cause misalignment between the Oregon BLM and ODFW.

- <u>Non-Energy minerals in PHMA</u>
  - ODFW supports BLM's preferred alternative in the DEIS for the topic of Non-Energy minerals in PHMA, as the current language in Alternatives 5 and 6 slightly improves the protections afforded to PHMA with non-energy mineral extraction closed in PHMA.

- Coal in PHMA
  - ODFW supports BLM's preferred alternative in the DEIS for the topic of Coal in PHMA.

- Locatable minerals in PHMA
  - ODFW does not support BLM's preferred alternative for the topic of Locatable minerals in PHMA, as the current language in Alternatives 5 and 6 lowers the conservation standard from the Oregon 2015 GRSG ARMPA (Alternative 1), in which SFAs were recommended for withdrawal from location and entry under the Mining Law of 1872. ODFW strongly recommends BLM retain Oregon's SFAs in the BLM's Proposed Plan for the FEIS, and the Proposed Plan reflects language from the Oregon 2015 GRSG ARMPA, specifying SFAs as areas recommended for withdrawal from location and entry under the Mining Law of 1872. Additionally, within PHMA outside of SFAs, ODFW recommends BLM require operators to submit a plan of operations and obtain BLM approval before beginning any operations causing surface disturbance greater than casual use.
  - If the BLM fails to retain Oregon's SFAs in the FEIS, ODFW supports the language in DEIS Alternative 3 regarding Locatable minerals, where the BLM recommends all PHMA for withdrawal from location and entry under the Mining Law of 1872.

- Minor Rights-of-Way in PHMA
  - ODFW supports BLM's preferred alternative for the topic of Minor ROWs in PHMA, as the current language in Alternatives 5 and 6 is the same as the Oregon 2015 GRSG ARMPA where PHMA is avoidance for minor ROWs.
  - To offer additional protections above the 2015 GRSG ARMPA in Oregon and more closely align with Oregon's sage-grouse mitigation policy, where development in areas closer to occupied leks generally has a larger mitigation ask: ODFW recommends BLM adopt similar minor ROW management as Montana/Dakotas (Alternative 4) for Oregon, where minor ROWs are excluded within 1.2 mi of active leks and critical winter range, and then avoided in designated corridors in those areas and in the remainder of PHMA.

- Travel and Transportation Management in PHMA
  - ODFW supports BLM's preferred alternative for the topic of Travel and Transportation Management in PHMA, as the current language in the preferred alternative is the same as the Oregon 2015 GRSG ARMPA.

- Fluid Minerals in GHMA
  - ODFW does not support BLM's preferred alternative for the topic of Fluid Minerals in GHMA, as this updated language lowers the conservation standard from the Oregon 2015 GRSG ARMPA. ODFW recommends BLM adopt similar language for Oregon as Colorado in the Proposed Plan of the FEIS (see Summarized GHMA allocations, Fluid Minerals Alternative 4), where areas within 2 miles of leks are managed as NSO. This stipulation would offer additional protections above the Oregon 2015 GRSG ARMPA by increasing the lek buffer from 1 mile to 2 miles for NSO of fluid minerals in GHMA.

- Saleable minerals/Mineral materials in GHMA
  - ODFW supports BLM's preferred alternative for the topic of Saleable minerals/Mineral materials in GHMA, as the current language in the preferred alternative is the same as the Oregon 2015 GRSG ARMPA.

- Non-energy minerals in GHMA
  - ODFW supports BLM's preferred alternative for the topic of Non-Energy minerals in GHMA, as the current language in Alternatives 5 and 6 is the same as the Oregon 2015 GRSG ARMPA.

- Coal in GHMA
  - ODFW supports BLM's preferred alternative for the topic of Coal in GHMA.

- Locatable minerals in GHMA
  - ODFW supports BLM's preferred alternative for the topic of Locatable minerals in GHMA, as the current language in Alternatives 5 and 6 is the same as the Oregon 2015 GRSG ARMPA, in which SFAs were recommended for withdrawal from location and entry under the Mining Law of 1872. ODFW strongly recommends BLM retain Oregon's SFAs in the BLM's Proposed Plan for the FEIS, and the FEIS Proposed Plan reflects language from the Oregon 2015 GRSG ARMPA, specifying SFAs as areas recommended for withdrawal from location and entry under the Mining Law of 1872.

- Minor Rights-of-Way in GHMA
  - ODFW does not support BLM's preferred alternative for the topic of Minor Rights-of-Way, as the current language specifies minor ROWs in Oregon are open with minimization measures, which lowers the conservation standard from the Oregon 2015 GRSG ARMPA. At a minimum, ODFW recommends the Proposed Plan in the FEIS for Minor Rights-of-Way in GHMA require mitigation in addition to minimization, if minimization actions are not adequate to offset impacts to GRSG of the minor ROW in GHMA.
  - Ideally, ODFW recommends BLM include the following language for Minor Rights-of-Way in GHMA for Oregon: 'OR: Avoidance within breeding, nesting and/or seasonal habitats, otherwise open with minimization and mitigation, if minimization actions are not adequate to offset impacts to GRSG of the minor ROW in GHMA.'

- Travel and Transportation in GHMA
  - ODFW supports BLM's preferred alternative for the topic of Travel and Transportation Management in GHMA, as the current language in the preferred alternative is the same as the Oregon 2015 GRSG ARMPA.

- Non-Habitat
  - ODFW generally supports the language in BLM's preferred alternative in the DEIS for the topic of Criteria-Based Management for Non-Habitat within GRSG Habitat Management Areas. ODFW appreciates the BLM's language requiring coordination

with state and federal wildlife agencies when making decisions regarding non-habitat within GRSG HMAs.

- ODFW recommends BLM add language to the Proposed Plan in the FEIS for the topic of Criteria-Based Management for Non-Habitat within GRSG HMAs which specifies the potential for indirect impacts when siting development on a 'Non-Habitat' area within PHMA or GHMA.
- ODFW recommends BLM note that applicable state-level sage-grouse mitigation policies (like Oregon's) may still require some mitigation for development in sage-grouse habitat even if the area is deemed 'Non-Habitat' by the BLM Authorizing Officer.

Topic – 2.5.3 Mitigation [Table 2-5., Pages 2-22 through 2-25]

- Under Alternatives 3–6 of the DEIS, BLM will apply the mitigation hierarchy to achieve the minimum standard of no net habitat loss. The 2015 ARMPA (Alternative 1) 'requires and ensures mitigation provides a net conservation gain to GRSG.' ODFW strongly recommends the current language in Alternatives 3–6 reflect net conservation gain of compensatory mitigation in the Proposed Plan of the FEIS because the current language in the DEIS lowers the conservation standard from the 2015 BLM GRSG ARMPA. At minimum, BLM should require compensatory mitigation to achieve net conservation gain under at least one alternative in the FEIS.

- Under Alternatives 3–6 of the DEIS, BLM specifies 'mitigation amounts should comply with State agency or regulatory requirements and consistent with BLM mitigation policy'. ODFW appreciates BLM's requirement of compensatory mitigation to follow state-specific regulations and standards. ODFW requests that BLM utilize Oregon's sage-grouse mitigation program to maintain consistency within the state, and to ensure that mitigation is coordinated across all developments.

- Under Alternatives 3–6 of the DEIS, BLM notes, 'where restoration is not possible, preservation can be used to offset impacts and should be designed to protect uniquely important habitats or areas of GRSG habitats that are at a high risk of conversion'. Per Oregon's mitigation policy, preservation alone is not able to offset impacts of development and is not considered compensatory mitigation. ODFW requests that compensatory mitigation in Oregon occur consistent with Oregon's existing mitigation program.

- Under Alternatives 3–6 of the DEIS, BLM specifies 'compensatory mitigation should be completed prior to initiating the activity causing the need for compensation and monitored for retention and efficacy'. ODFW appreciates BLM's requirement of a mitigation plan to be in place prior to the initiation of the project causing need for compensatory mitigation.

- Under Alternatives 3–6 of the DEIS, BLM specifies 'compensatory mitigation is not required by the BLM for operations conducted under the Mining Law of 1872'. ODFW strongly recommends BLM require compensatory mitigation for operations conducted

under the Mining Law of 1872 as these operations have a high likelihood of causing significant direct and indirect impacts on local sage-grouse populations when sited in PHMA or GHMA.

Topic – 2.5.4 Application of Habitat Objectives [Table 2-6., Pages 2-26 through 2-27]

- Under Alternatives 3–6 of the DEIS under the topic of 'Application of Habitat Objectives', ODFW supports the suggested replacement with the new objectives and management actions for the action alternatives, as detailed in Table 2-6.

- ODFW supports the updated habitat objectives and management actions in the DEIS action alternatives, which utilize the Habitat Assessment Framework and the Oregon state-specific Habitat Indicators Table derived from local and regional GRSG research.

Topic – 2.5.5 Disturbance Cap [Table 2-7., Pages 2-28 through 2-39]

- In Alternative 4 (and Alternatives 5 and 6 specific to Oregon), limiting the disturbance cap at either 3% of the project scale or the HAF Fine Scale has the unintended consequence of distributing more disturbance across the landscape rather than collocating disturbance within existing project areas. ODFW recommends maintaining the 3% disturbance cap at the Biologically Significant Unit level (e.g. PAC-scale) for Oregon and apply the mitigation hierarchy therein (Alternative 1). This approach would maintain consistency between state rules (OAR 660-023-0115) and avoid confusion between HAF and PAC boundaries.

- A key component of the Oregon GRSG 2015 ARMPA included implementation of a 3% disturbance cap in PHMA, not to exceed 1% per decade, at the PAC-scale and proposed project analysis scale. ODFW requests this important component is carried across in the Oregon-specific ROD to maintain consistency between state and BLM policy, as OAR 660-023-0115 also applies a 1% decadal disturbance cap (e.g. no more than 1% increase in disturbance per decade across PACs).

- A key component of the Oregon GRSG 2015 ARMPA included implementation of a density cap in PHMA of an average of one energy and mining facility per 640 acres. ODFW requests this important component is carried across in the Oregon-specific ROD to maintain the conservation standard established in the 2015 ARMPA.

- The Disturbance Cap exceptions outlined for DEIS Alternatives 4–6 attempt to build flexibility into the disturbance cap policy. Oregon does not have similar exceptions built into OAR 660-0230-0115 and recommends these exceptions to the disturbance cap are not included in the Oregon-specific ROD. However, if exceptions to the disturbance cap thresholds must be included in the FEIS Proposed Plan, ODFW recommends Alternative 4 as a better option than Alternatives 5 and 6. Specifically, ODFW agrees with the language describing the scenario where a disturbance cap may be exceeded at the project scale if the consolidation of disturbances would exclude undisturbed portions of PHMA from new authorizations (i.e., disturbance cap may be exceeded if co-location of

disturbance provides greater conservation benefit to sage-grouse than application of the disturbance cap).

- If exceptions to the disturbance cap thresholds must be included in the FEIS Proposed Plan (again, Alternative 4 over Alternatives 5 and 6), ODFW requests a sage-grouse biologist from the state wildlife agency and U.S. Fish & Wildlife Service be included on the team making the decisions pursuant to any exceptions to the disturbance cap.

Topic – 2.5.6 Fluid Mineral Development and Leasing Objective [Table 2-8., Pages 2-40 through 2-46]

- ODFW recommends closure of fluid mineral development or leasing within 4 miles of active (occupied or occupied-pending) lek sites in PHMA and within 3.1 miles of active (occupied or occupied-pending) lek sites in GHMA. In areas where aerial lek searches have not recently been completed (within the past 8 years), aerial surveys should occur to determine potential existence of leks prior to a fluid mineral lease issuance. ODFW would appreciate this language reflected in the Oregon-specific ROD under the topic of 'Fluid Mineral Development and Leasing Objective'.

- If BLM considers adoption of language in Alternatives 4–6 for the Proposed Plan in the FEIS, BLM should note compensatory mitigation will be required consistent with the standards established in state rules and regulations (e.g., Oregon Administrative Rule 660-023-0115).

Topic – 2.5.7 Fluid Mineral Lease Stipulation Waivers, Exceptions, and Modifications [Table 2-9., Pages 2-47 through 2-91]

- No Surface Occupancy Stipulations within PHMA
  - Under Alternatives 1 and 2, there are no Waivers, Exceptions, or Modifications (WEMs) in SFAs; however, the removal of SFAs under Alternatives 4, 5, and 6 allows for WEMs in all designated sage-grouse habitat. This is a retreat from Oregon's sage-grouse conservation objectives that were negotiated to prevent the listing of GRSG. ODFW recommends BLM's Proposed Plan in the FEIS reflect language from DEIS Alternative 1. However, if SFAs will not be recognized, as currently proposed in the DEIS, ODFW recommends no WEMs in PHMA no matter the distance from an active (occupied or pending-occupied) lek reflected in the Proposed Plan of the FEIS.
  - Oregon Administrative Rule 635-140-0025 requires mitigation for direct and indirect impacts from development actions that reduce functional sage-grouse habitat or sage-grouse use of that habitat within 4 miles of a lek in core habitat, 3.1 miles of a lek in low density habitat, or 3.1 miles of a lek in general habitat, as defined by the state. The surface occupancy stipulations under DEIS Alternatives 4–6 are more permissive than what would be allowed in Oregon under current conservation standards, rule, and regulations, particularly the 0.6-mile lek buffer.

- Exception #1 for Alternatives 4–6 allows for exceptions to NSO within 0.6 miles of active leks in PHMA. ODFW has several issues and concerns with this exception for the action alternatives.
  - The exception relies on "a biologist with GRSG experience using methods such as the Habitat Assessment Framework" to determine whether the location is non-habitat. This description is vague at best, and the decision should be put to a team of experts which includes at least one biologist from the applicable state wildlife agency.
  - Oregon's Department of Land Conservation and Development (DLCD) rules specific to sage-grouse refer to distance from "occupied" or "occupied-pending" leks, which is a slightly different definition from WAFWA's "active lek".
  - ODFW notes that the trade-off of locating the surface occupancy on public land to avoid more important and/or limited GRSG habitat creates a situation where a developer could consistently leverage Exception #1 by threatening to develop the higher value habitat. ODFW suggests each site be considered based on its unique conditions and is subject to the mitigation hierarchy, not leveraged as an "either/or" scenario.
  - ODFW also notes that details specific to the mitigation hierarchy are not described in Exception #1 but are included in Exception #2. The standard for applying the mitigation hierarchy should be stringently applied within 0.6 miles of an active lek in PHMA.
- Exception #2 for Alternatives 4–6, allows for exceptions to NSO in PHMA beyond 0.6 miles from active leks. ODFW has several issues and concerns with this exception for the action alternatives.
  - The document again refers to "a biologist with GRSG experience" determining whether a project would result in adverse effects to GRSG seasonal habitats. ODFW feels this definition is far too vague and puts the decision in the hands of one person, rather than an interagency team of experts. ODFW recommends the team making these decisions includes at least one biologist from the applicable state wildlife agency.
  - Oregon Administrative Rules (OARs) 635-140-0010, 635-140-0025, and 660-023-0115 require that mitigation provides a net conservation *gain* to sage-grouse and their habitats by providing an increase in the functionality of their habitat to support sage-grouse. All references to "no net loss" are inconsistent with Oregon's sage-grouse management strategy, including Exception #2 under Alternative 4.
- The State of Oregon GRSG Habitat Mitigation Program Operations and Administration Manual (October 2019) details the process for credit generation to offset development, including the use of an In-Lieu Fee (ILF) fund. The ILF fund makes it easier to strategically target mitigation funds and accounts for the temporal loss habitats may incur if development occurs prior to utilization of the account. Under Alternative 4, Exception #2 part (d), "the compensation project must be completed, and habitat functionality documented before the exception is granted to ensure the offset in impacts will occur." ODFW interprets this statement as exclusionary of the ILF fund and would prefer the Oregon-specific ROD allow for this potentiality. Exception #2 under Alternatives 5 and 6 allows for construction

prior to compensatory mitigation, but does not clarify the role of ILF funds, or specify the need to account for the temporal loss of habitat between project construction and compensatory mitigation implementation. ODFW appreciates that the alternative addresses the need to increase compensatory mitigation to account for an increased level of risk under this scenario.
    - Modification: Alternatives 4–6 represent a significant departure from the established GRSG conservation standard in Alternatives 1 and 2, which do not allow any modifications related to NSO in PHMA in Oregon. ODFW recommends no modifications specific to NSO are allowed in PHMA in Oregon. We also note that the mitigation hierarchy is only vaguely referenced here, unlike the detail provided under Exception #2 (Alternative 4).
    - Waiver: Alternatives 4–6 address an emerging situation where updated sage-grouse habitat maps can result in existing leases that are no longer in PHMA. ODFW agrees that this situation requires a fair solution and that a NSO waiver could be considered after coordination and review. The alternative does not address the situation when existing leases are now located on PHMA due to new HMA boundaries established via the appropriate planning process, but Oregon expects these leases would be subject to NSO stipulations.

- <u>NSO stipulations associated with active leks in GHMA</u>
    - Under Alternative 1, NSO stipulations apply within 1 mile of a pending or occupied lek in GHMA, with Exception potentially granted in coordination with ODFW during project implementation and if BMPs are implemented (e.g. anti-perch devices for raptors). This alternative has provided balance between sage-grouse protections and limited development and is ODFW's preferred alternative.
    - Alternative 4–6 represent a significant departure from sage-grouse conservation standards in Oregon, particularly due to the lack of a specific buffer distance to apply NSO stipulations from active (occupied or pending-occupied) leks in GHMA. This point applies to all NSO WEMs on GHMA. The Modification language (Alternatives 4–6) is particularly concerning as decisions whether "a portion of the NSO area is nonessential" is subject to the Authorized Officer and lacks specific guidelines. Language such as "nonessential, inadequate, and overly protective" is highly subjective and subject to misinterpretation. Oregon strongly recommends language from Alternative 1: 'NSO within 1 mile of pending or occupied lek in GHMA with no Modifications' be reflected in the Oregon-specific ROD.
    - We agree that Waivers are appropriate for confirmed inactive leks, as confirmed with the appropriate state agency (e.g. ODFW).

- <u>Controlled Surface Use: Disturbance Cap</u>
    - ODFW agrees that consolidating and collocating surface disturbance justifies occasional exceptions to the 3% disturbance cap at the project scale. However, we are concerned that WEMs could be used to expand the scope and scale of projects, or to leverage the potential of new authorizations to expand existing CSU.
    - Clarity on the application of Oregon's In-Lieu Fee fund for WEMs associated with controlled surface use would help in establishing consistency between the State OARs and BLM GRSG plan.

- Seasonal Constraints/Stipulations
  - ODFW recommends WEMs under Alternatives 4–6 should stipulate seasonal constraint WEMs should not be allowed if there is insufficient data or information available. Seasonal constraint WEMs should not take place beyond the season being excepted without evidence of local, annual variation.

Topic – 2.5.8 Renewable Energy Development and Associated Transmission [Table 2-10., Pages 2-92 through 2-98]

- Wind and Solar
  - ODFW does not support BLM's preferred alternative (Alternative 5) for the topic of Wind and Solar, as it lowers the conservation standard from the Oregon 2015 GRSG ARMPA. ODFW strongly recommends language from Alternative 4 be used the Proposed Plan for the topic of Wind and Solar in the FEIS, as Alternative 4 increases GRSG protections within PHMA over the Oregon 2015 GRSG ARMPA (Alternative 1). Specifically, Alternative 4 manages PHMA as exclusion areas for utility scale wind and solar development, including all associated infrastructure, and manages GHMA as avoidance areas with additional considerations for proximity to PHMA and limited/high value seasonal habitats and movement corridors.
  - In addition to the language specified for all states under Alternative 4, ODFW recommends BLM adopt the same buffer distances for Oregon as Colorado when siting utility scale wind and solar facilities. ODFW recommends the language in the FEIS Proposed Plan for this topic as: 'Do not allow surface use, occupancy, or placement of utility scale wind and solar facilities including transmission facilities within one-half mile of PHMA (or 2 miles in CO and OR) unless adjacent PHMA is protected from indirect impacts from development in GHMA.'
  - ODFW appreciates BLM's consideration of both direct and indirect impacts to GRSG from wind and solar facilities and associated transmission, and necessary application of compensatory mitigation to offset habitat losses due to these impacts, following state-specific sage-grouse mitigation rules and regulations.

- Major Rights-of-Way (ROWs)
  - ODFW strongly recommends the language from DEIS Alternative 4 be used in the FEIS Proposed Plan for the topic of Major ROWs, as Alternative 4 increases GRSG protections within PHMA over the Oregon 2015 GRSG ARMPA (Alternative 1), and is preferable to Alternative 5. Specifically, Alternative 4 provides additional protections and considerations in breeding and nesting habitats, or in other limiting/high value seasonal habitats, above those offered in Alternatives 1 and 5. Where development cannot be avoided, it would not be allowed in breeding and nesting habitats, or in other limiting/high value seasonal habitats unless the ROW can be routed through non-habitat or can be co-located with existing ROW disturbance with no additional impacts.
  - In addition to the current language in Alternative 4, to offer GRSG protections above the 2015 GRSG ARMPA in Oregon and more closely align with Oregon's sage-grouse mitigation policy where development in areas closer to occupied leks generally has a larger mitigation ask: ODFW recommends BLM manage areas within

1.2 mi of active leks and critical winter range as exclusion areas for major ROWs in both PHMA and GHMA.
    - ODFW appreciates BLM's requirement of minimization measures where major ROWs cannot be avoided in PHMA, and requirement of compensatory mitigation in addition to minimization to offset direct and indirect impacts to GRSG from ROWs where they cannot be avoided in PHMA.
    - ODFW does not support BLM's preferred alternative (Alternative 5) for the topic of Major ROWs in GHMA, as the language in this alternative lowers the conservation standard from the Oregon 2015 GRSG ARMPA by only requiring avoidance within breeding and nesting habitats and other limited seasonal habitats. ODFW strongly recommends keeping the language from the Oregon 2015 GRSG ARMPA (Alternative 1) in the FEIS for the topic of Major ROWs in GHMA, where avoidance is required for Major ROWs in GHMA.

Topic – 2.5.9 Minimizing Threats from Predation [Table 2-11., Pages 2-93 through 2-101]

- ODFW appreciates the language in Alternatives 3–6 stating, "BLM will collaborate with appropriate state agencies, other landowners, federal agencies, and tribal governments in their efforts to minimize impacts from predators on GRSG where needs have been documented, including providing needed authorizations to support predator management actions."

- ODFW strongly recommends language from Alternative 4 be used in the FEIS Proposed Plan for the topic of 'Minimizing Threats from Predation', as Alternative 4 increases GRSG protections within PHMA and GHMA over the Oregon 2015 GRSG ARMPA (Alternative 1) by providing a more comprehensive and detailed plan for minimizing threats from predators on BLM lands, and is preferable to Alternative 5 because Alternative 5 does not apply restrictions to GHMA and does not require project proponents to develop a predator management plan. Alternative 4 is preferred over Alternative 5 because Alternative 5 does not require project proponents to install and maintain nest/perch deterrents, which are an important component of minimizing threats from predators to GRSG.

- ODFW recommends defining 'undisturbed habitats', as stated in Alternatives 3 and 4, when referencing avoidance of new anthropogenic infrastructure into undisturbed habitats. ODFW recommends this term be defined in the FEIS Proposed Plan for this topic, where 'undisturbed habitats' include those areas not presently directly or indirectly impacted by anthropogenic development.

Topic – 2.5.10 Livestock Grazing [Table 2-12., Pages 2-102 through 2-112]

- Objective RM-1: ODFW acknowledges the body of literature suggesting low- to moderate-intensity livestock grazing is compatible with sage-grouse conservation efforts in the Great Basin. ODFW recognizes the importance of public land grazing to local rural economies and advocates for a balanced approach. ODFW recommends the language from Alternative 4 under the topic 'Livestock Grazing' be used in the FEIS Proposed

Plan, as Alternative 4 provides a more consistent approach to livestock grazing management across BLM lands and prioritizes habitat health when making grazing decisions. Additionally, Alternative 4 includes the language, "avoid direct adverse impacts to limiting GRSG habitats from livestock management range improvements", which ODFW supports.

- Management Action RM-2: ODFW supports Alternatives 4–6 and appreciates the application of improved scientific models for assessing ecological condition.

- Management Action RM-3: ODFW prefers Alternative 4 as holding a higher conservation standard while accommodating both livestock grazing and GRSG on the landscape. ODFW cautions against using the language "as workload capacity allows" as the language is unclear as to the available actions if workload capacity exceeds the ability to carry out management under the alternative.

- Management Action RM-4: ODFW is satisfied with Alternatives 4–6 regarding evaluation of existing livestock management range improvements, with the exception of the wording "*consider* removal or modification of projects that negatively affect GRSG or GRSG habitat". This language makes it unlikely that any removal or modification projects would be implemented, and we recommend a more structured framework for this decision-making process.

- Management Action RM-5: ODFW is satisfied with Alternatives 4–6 regarding new range improvement projects, and supports the encouragement of new techniques and technologies (e.g. use of virtual fencing) which avoid establishing additional structural range improvements on the landscape.

- Management Action RM-6: ODFW is satisfied with Alternatives 4–6 regarding fences. This alternative represents a better-defined decision matrix for fence removal, marking, and other alteration, and we suggest a similar approach to Management Action RM-4.

- Management Action RM-7: ODFW prefers Alternatives 4–6 regarding voluntary relinquishment of grazing preference, and the conversion of that allotment to a reserve common allotment. ODFW agrees that drought or overuse should not precipitate use of the reserve common allotments.

Topic – 2.5.11 Wild Horse and Burro Management [Table 2-13., Pages 2-113 through 2-116, Appendix 2]

- ODFW recommends the FEIS Proposed Plan for the topic 'Wild Horse and Burro Management' include language from DEIS Alternative 4 and specify managing wild horse and burro HMAs in GRSG habitat within the low-end of the established Appropriate Management Level (AML) ranges.

- ODFW recommends the FEIS Proposed Plan for the topic 'Wild Horse and Burro Management' include language from Alternative 3 and specify 'No new wild horse and burro herd management areas would be designated in areas that overlap PHMA'.

- ODFW recommends BLM dedicate and prioritize more resources (funding, staff time, etc.) to keep HMAs within GRSG habitat at the low-end of AML. Currently, many of Oregon's HMAs in GRSG habitat are above AML and are often significantly above AML. As noted in Section 2.5.11 of the DEIS, GRSG populations are negatively impacted by wild horses when herds exceed established AML in herd management areas (Coates et al., 2021).

- ODFW recommends BLM's selected alternative contain language from Alternative 4 stating "If GRSG site scale habitat objectives are not being met in PHMA and GHMA, evaluate AMLs and adjust if necessary through the NEPA process where wild horse or burro use is identified as significant causal factor to not meeting LHS, or is a factor in the area not meeting the GRSG habitat objectives."

Topic – 2.5.12 Areas of Critical Environmental Concern [Table 2-14., Pages 2-117 through 2-119, Appendix 5]

- Under all the action alternatives in the DEIS for the topic of 'Areas of Critical Environmental Concern', no new ACECs specific to management of GRSG would be designated in Oregon. If BLM follows ODFW's management recommendations outlined in this comment letter and maintains the sage-grouse conservation standards established in the Oregon BLM 2015 ARMPA, designation of new ACECs in Oregon would not be necessary because management of newly designated ACECs would provide no additional conservation of or protection for sage-grouse habitat above PHMA.

- Specific management recommendations for potential ACECs would apply in the topics of Locatable Minerals, Fluid Minerals, Non-Energy Minerals, Saleable Minerals/Mineral Materials, Major ROWs, Minor ROWs, Wind, Solar, and Disturbance Caps. The following comments compare management of these proposed new ACECs to management of PHMA as proposed by ODFW in this comment letter.

    - Locatable Minerals
        - Under Alternatives 3 and 6, BLM's management of Locatable Minerals in ACECs would require operators to submit a plan of operations and obtain BLM approval before beginning any operations causing surface disturbance greater than casual use. Under the topic of Locatable Minerals within this comment letter, ODFW strongly recommends BLM retain Oregon's SFAs in the BLM's Proposed Plan for the FEIS, and the Proposed Plan uses language from the Oregon 2015 GRSG ARMPA, specifying SFAs as areas recommended for withdrawal from location and entry under the Mining Law of 1872. Additionally, within PHMA outside of SFAs, ODFW recommends BLM require operators to submit a plan of operations and obtain BLM approval before beginning any operations causing surface disturbance greater than casual use. If the BLM fails to retain Oregon's SFAs in

the FEIS, ODFW supports the language in DEIS Alternative 3 regarding Locatable minerals, where the BLM recommends PHMA for withdrawal from location and entry under the Mining Law of 1872.

- Fluid Minerals (including geothermal)
  - Under Alternative 3, ACECs would be closed to Fluid Mineral leasing, and under Alternative 6, ACECs would be open to leasing subject to minor constraints (NSO stipulation). Under the topic of Fluid Minerals within this comment letter, ODFW recommends closure of fluid mineral development or leasing within 4 miles of active (occupied or occupied-pending) lek sites in PHMA and within 3.1 miles of active (occupied or occupied-pending) lek sites in GHMA.

- Non-Energy Minerals
  - Under Alternative 3, ACECs would be closed to Non-Energy Mineral leasing, and under Alternative 6, ACECs would be closed to new Non-Energy Mineral leases and expansion associated with existing operations. Under the BLM's preferred alternative in the DEIS for the topic of Non-Energy minerals in PHMA, as Non-Energy Minerals are closed to leasing in PHMA.

- Saleable Minerals/Mineral Materials
  - Under Alternative 3, ACECs would be closed to Saleable Mineral sale and development, and under Alternative 6, ACECs would be closed to new operations for all Saleable Mineral types except free-use pits. Under the topic of Saleable Minerals/Mineral Materials within this comment letter, ODFW strongly recommends BLM retain Oregon's SFAs in the BLM's Proposed Plan for the FEIS, and the Proposed Plan uses language from the Oregon 2015 GRSG ARMPA, specifying SFAs as areas closed to Saleable Minerals/Mineral materials. If the BLM fails to retain Oregon's SFAs in the FEIS, ODFW supports the language in Alternative 3 regarding Saleable Minerals/Mineral materials, where PHMA is closed to Saleable Minerals/Mineral materials except for free-use pits used to support maintenance needs for existing local roads to ensure public safety.

- Major ROWs
  - Under Alternatives 3 and 6, ACECs would be exclusion areas for major ROWs. ODFW recognizes the necessity of energy transmission and the potential ramifications of managing large tracts of connected lands (e.g. Oregon PHMA) as exclusion areas for Major ROWs. Under the topic of Major ROWs within this comment letter, ODFW recommends the language in Alternative 4 to be used in the Proposed Plan of the FEIS, where PHMA are avoidance areas for major ROWs, but also in those areas where development cannot be avoided, it would not be allowed in breeding and nesting habitats, or in other limiting/high value seasonal habitats.

- Minor ROWs
  - Under Alternative 6, ACECs would be avoidance areas for minor ROWs. ODFW supports BLM's preferred alternative for the topic of Minor ROWs in PHMA, as

the current language in Alternatives 5 and 6 is the same as the Oregon 2015 GRSG ARMPA where PHMA is avoidance for minor ROWs.

- Wind
  - Under Alternatives 3 and 6, ACECs would be exclusion areas for Wind. Under the topic of Wind and Solar within this comment letter, ODFW strongly recommends language from Alternative 4 be used in the FEIS Proposed Plan for the topic of Wind, as Alternative 4 manages PHMA as exclusion areas for utility scale wind development, including all associated infrastructure.

- Solar
  - Under Alternatives 3 and 6, ACECs would be exclusion areas for Solar. Under the topic of Wind and Solar within this comment letter, ODFW strongly recommends language from Alternative 4 be used in the FEIS Proposed Plan for the topic of Solar, as Alternative 4 manages PHMA as exclusion areas for utility scale solar development, including all associated infrastructure.

- Disturbance Cap
  - Under Alternative 6, ACECs would be managed with no exceptions to the disturbance cap. Under the topic of Disturbance Cap within this comment letter, ODFW recommends exceptions to the disturbance cap are not included in the Oregon-specific ROD. However, if exceptions to the disturbance cap thresholds must be included in the FEIS Proposed Plan, ODFW recommends Alternative 4 as a better option than Alternatives 5 and 6. Specifically, ODFW agrees with the language describing the scenario where a disturbance cap may be exceeded at the project scale if the consolidation of disturbances would exclude undisturbed portions of PHMA from new authorizations (i.e., disturbance cap may be exceeded if colocation of disturbance provides greater conservation benefit to sage-grouse than application of the disturbance cap).

Topic – 2.5.13 Adaptive Management [Table 2-15., Pages 2-120 through 2-128, Appendix 7]

- Habitat Management Thresholds
  - ODFW agrees with the language in Alternatives 3, 4, 5, and 6 for the topic of Habitat Adaptive Management Thresholds.

- Population Management Thresholds
  - ODFW generally supports BLM's use of the USGS Targeted Annual Warning System (TAWS) for Population Trend Adaptive Management Thresholds as described in the DEIS, where population triggers will be based on the interpretation of the annual USGS TAWS model; a "soft" population trigger at the Neighborhood Cluster (local population level) is equivalent to a TAWS "Watch", and a "hard" population trigger is equivalent to a TAWS "Warning". However, ODFW is concerned there may be circumstances where Neighborhood Clusters previously tripped TAWS warnings following significant sage-grouse population declines but then stabilized at a much lower abundance. Under these circumstances, a

Neighborhood Cluster may not presently trip a TAWS watch or warning because it recoupled with the Climate Cluster (landscape-scale population level), but these areas should still be managed under BLM "soft" or "hard" population trigger status due to concerningly low abundance. In these situations where soft or hard population triggers in an area have consistently tripped under the 2015 BLM GRSG ARMPA adaptive management strategy, ODFW strongly recommends BLM must consider multiple lines of evidence before reverting to no population threshold status under the USGS TAWS.

- For example, sage-grouse populations in the Baker PAC [TAWS Neighborhood Cluster E-102] have declined by over 75% since 2005, and consistently tripped hard population triggers under the BLM's Adaptive Management Strategy set up in the 2015 BLM GRSG ARMPA. However, under the USGS TAWS, Neighborhood Cluster E-102 has not tripped any watches or warnings since 2015, even though this Neighborhood Cluster is in the top 90th percentile for watches and top 96th percentile for warnings of all Neighborhood Clusters range-wide (i.e., fewer than 10% of neighborhood clusters range-wide have experienced as many watches as E-102, and fewer than 4% of neighborhood clusters range-wide have experienced as many warnings as E-102).
- ODFW strongly recommends BLM coordinate with the applicable state wildlife agencies and USGS to identify specific lines of evidence, in addition to the TAWS, for determining the status of Neighborhood Cluster Population Triggers and incorporate these lines of evidence into the Proposed Plan of the FEIS for the topic 'Adaptive Management'. At minimum, ODFW recommends BLM coordinate with ODFW, USGS, and the Oregon U.S. Fish and Wildlife Service Office to identify specific lines of evidence, in addition to the TAWS, for determining the status of Neighborhood Cluster Population Triggers and incorporate these lines of evidence into the Oregon-specific ROD for the topic 'Adaptive Management'.

- ODFW recommends the language in DEIS Alternatives 3 and 4 be used in BLM's FEIS Proposed Plan for the topic 'Population Trend Adaptive Management Thresholds'. Alternatives 5 and 6 allow for consideration of new authorizations during the rapid assessment period; ODFW does not recommend new authorizations be considered during this period.
- ODFW does not agree the state wildlife agency should be required to inform the BLM when population thresholds are met. BLM should review the USGS analysis independently and then confer with the state agency following review to discuss any population thresholds that were met. This is the BLM's adaptive management strategy, and the strategy uses the USGS's annual TAWS analysis. ODFW recommends the BLM State Sage-Grouse Lead review the annual results of TAWS within 30 days of publication to determine if population thresholds (soft or hard) have been met. The BLM should also review other available scientific information examining population trends in determining if those trends indicate potential habitat concerns. Then, if a threshold is identified, the BLM will coordinate with the applicable state wildlife agency or agencies, preferably within 60 days to allow a quick response to a habitat causal factor.

- Under the topic of Adaptive Management Responses, Alternatives 3–6 specify 'If a soft trigger is met, new permitted activities can be considered during the completion of the CFA as long as those activities do not result in mortality of GRSG or GRSG habitat loss and degradation.' The language referring to permitting new activities if they 'do not result in mortality of GRSG or GRSG habitat loss and degradation' is subjective and needs to be well-defined if kept in the FEIS. However, similar to the response when a hard population trigger is tripped, ODFW does not recommend BLM permit new activities in an area that has tripped a soft population trigger until the CFA has been completed, as this presents an unnecessary risk to GRSG populations in the area where the threshold was tripped when the cause of the soft population trigger is unknown. Additionally, indirect impacts from new permitted activities in an area where a soft population trigger has tripped may exacerbate local population decline.

Topic – 2.6 State-Specific Circumstances [Section 2.6.4 Oregon, Table 2-36., Table 2-37., Pages 2-129, 2-176 through 2-181]

- Key ACECs/RNAs
  - ODFW recognizes the specific resource values identified for BLM's Key ACECs/RNAs in Oregon and understands how grazing exclusion may be necessary to protect a specific resource value on these Key ACECs/RNAs. However, ODFW reiterates the body of scientific research suggesting low- to moderate-intensity livestock grazing is compatible with sage-grouse conservation efforts in the Great Basin, and ODFW reiterates the importance of managing Oregon's sage-grouse populations at the landscape scale. ODFW notes the potential impacts to local sage-grouse populations of establishing new fencing for Key ACECs/RNAs in sage-grouse habitat. Sage-grouse collisions with fences often result in direct mortality, so ODFW does not recommend establishment of new fences in areas with dense sage-grouse populations or areas with frequent movement of sage-grouse (e.g., near leks or in migration/connectivity corridors). If new fencing must be established in sage-grouse habitat, ODFW strongly recommends these fences be marked with reflectors and maintained for the life of the fence.

- Saleable Minerals/Minerals Management
  - ODFW does not support the language added for Alternative 4–6 under 'Oregon State-Specific Circumstances – Saleable Minerals/Mineral Materials' and recommends keeping the language from Alternative 1 to be reflected in the FEIS and the Oregon-specific ROD. Specifically, ODFW does not agree the use or expansion of an existing, authorized mineral site should ever be implemented without further analysis or mitigation, even if the BLM's NEPA analysis determines the use or expansion could be implemented without significant impacts. Expansion of an existing mineral site in core or low-density sage-grouse habitat could trigger mitigation requirements under OAR 660-023-0115, so this new language in Alternatives 4–6 for this topic may cause discrepancies between Oregon's state policies and BLM policy.

The Oregon Sage-Grouse State Action Plan (2015), Oregon's Greater Sage-Grouse Administrative Rules, and BLM's 2015 Oregon Sage-Grouse ARMPA included important consistencies that led to the U.S. Fish and Wildlife Service September 2015 determination sage-grouse were not warranted for listing under the Endangered Species Act range-wide. ODFW strongly recommends BLM address the inconsistencies between the DEIS for this amendment to BLM's Sage-Grouse Resource Management Plan and Oregon's sage-grouse plans and policies, as detailed in this letter, to ensure long-term conservation of sage-grouse in Oregon. ODFW looks forward to continued engagement as a cooperating agency during the remainder of the BLM's Sage-Grouse Resource Management Plan amendment and associated NEPA process.

Thank you for your consideration of these comments.

Sincerely,

Sarah Reif, ODFW Habitat Division Administrator, signing for:
Debbie Colbert
Director
Oregon Department of Fish and Wildlife

cc:
Ken Loffink, Acting Deputy Director, ODFW
Bernadette Graham-Hudson, ODFW
Sarah Reif, ODFW
Nick Myatt, ODFW
Brian Wolfer, ODFW
Joy Lovett, ODFW
Jeremy Thompson, ODFW
Greg Jackle, ODFW
Mikal Cline, ODFW
Skyler Vold, ODFW
Philip Milburn, ODFW
Tom Segal, ODFW

May 14, 2024

Submitted via Regulations.gov
Director Tracy Stone-Manning
Bureau of Land Management
U.S. Department of the Interior
1849 C Street NW, Room 5646
Washington DC 20240

Re: Notice of Availability: "Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning" 89 Fed. Reg. 18963 (Mar. 15, 2024) (OMB Control No. 1004-0NEW; RIN 1004-AE92)

Dear Director Stone-Manning:

The American Petroleum Institute (API) appreciates this opportunity to provide comments in response to the Bureau of Land Management's (BLM's or Bureau's) identification of potential areas of critical environmental concern (ACECs) provided in the "Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning" (Draft RMPA/EIS) Notice of availability, published at 89 Federal Register 18,963 (March 15, 2024) (Draft RMPA/EIS Notice). API respectfully requests that BLM select its preferred alternative of no new Areas of Critical Environmental Concern (ACECs), or at minimum, substantially modify the proposed ACECs to address these comments.

I. API's Interests in the Consideration of Potential ACECs

API is a national trade association representing nearly 600 member companies that operate throughout the United States and are involved in all aspects of the oil and natural gas industry, including exploration, development, production, transportation, refining, and marketing. Many of our members operate on federal lands, including onshore areas managed by the Bureau of Land Management. For many years, API has worked collaboratively with the Department of the Interior (DOI) and its agencies, including BLM, to help provide for the continued safety of industry workers, protection of the environment, and proper economic development of resources in fulfillment of federal law. API members support responsible energy development on federal lands consistent with FLPMA's multiple use mandate and other applicable laws and regulations.

API member companies have a direct interest in how the BLM plans to manage lands with respect to the greater sage-grouse (GRSG) and its habitat. These companies hold valid existing leases and are interested in future oil and natural gas leasing, exploration, and production activities in areas that will be directly affected by the BLM's management decisions. As such, our members are committed to federal wildlife conservation measures to protect the GRSG identified through environmental analysis performed under the National Environmental Policy Act of 1969 (NEPA).

These efforts help protect wildlife while balancing the multiple uses of federal land in the manner in which Congress intended.

Given these significant interests, API and its members have historically been active participants in the development of RMPs, including amendments to RMPs to address the greater sage grouse.[1] API has consistently urged the Bureau to be guided by sound science in considering measures to conserve GRSG on BLM-managed lands and to ensure that any such measures are well-grounded in BLM's legal authority and respect existing commitments to leaseholders and others. As discussed more fully below, these concerns continue to apply to the Bureau's efforts.

A. Global Leadership in Energy Production

The U.S. is a global leader in both emission reductions[2] and energy production.[3] Oil and natural gas exploration and development on federal lands and waters provide enormous benefits to our nation and its citizens—for our economy, our environment, and our national security. Given the vital importance of energy production on public lands, overreaching land management regulations could place our domestic energy supply at risk, as do proposals that would undercut a balanced, all-of-the-above energy policy. Reduced production on public lands also harms local communities who depend upon the jobs and revenues generated by lawful energy development. To the extent the proposed ACECs reduce opportunities for energy development on public lands, the U.S. and its allies will likely import more oil and natural gas from countries with lower environmental standards and could revert to coal for power generation, resulting in higher emissions domestically and internationally—precisely the opposite of the Administration's overriding policy objectives.

The oil and natural gas industry produces and delivers nearly 70% of the energy our country uses. Our nation and the world will continue to need reliable, affordable energy for public health and economic growth, energy that will serve as the foundation for broader opportunities for decades to come. Energy production on public lands, including oil and natural gas production, is a crucial part of the nation's program for energy security and economic strength. Likewise, the oil and natural gas industry is essential to supporting a modern standard of living by providing communities with access to affordable, reliable, and cleaner energy. API's members remain focused on public health and safety and have well-established policies in place for proactive

[1] For example, API has provided comments on BLM's December 2011 *Notice of Intent to Prepare Environmental Impact Statements and Supplemental Environmental Impact Statements to Incorporate Greater Sage Grouse Conservation Measures Into Land Use Plans and Land Management Plans*, 76 Fed. Reg. 77008 (Dec. 9, 2011); the December 27, 2011 *Report on National Greater Sage-Grouse Conservation Measures*; the October 2017 *Notice of Intent to Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statements or Environmental Assessments*, 82 Fed. Reg. 47248 (Oct. 11, 2017); and the November 2021 *Notice of Intent to Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Environmental Impact Statements*, 86 Fed. Reg. 66331 (Nov. 21, 2021).

[2] According to EPA, "Between 1970 and 2020, the combined emissions of the six common pollutants (PM2.5 and PM10, SO2, NOx, VOCs, CO and Pb) dropped by 78 percent. This progress occurred while U.S. economic indicators remain strong." EPA, *Progress Cleaning the Air and Improving People's Health* (May 1, 2023), https://www.epa.gov/clean-air-act-overview/progress-cleaning-air-and-improving-peoples-health#pollution.

[3] According to the Energy Information Administration (EIA), the United States is ranked first globally in total energy production from both natural gas and from petroleum and other liquids. U.S. Energy Info. Admin., *Total Energy Production from Natural Gas* (last visited June 14, 2023), https://www.eia.gov/international/rankings/world?pa=287&u=2&f=A&v=none&y=01%2F01%2F2021.

community engagement and feedback aimed at fostering a culture of trust, inclusivity, and transparency. We believe that all people should be treated fairly, regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. In this regard, it is crucial to bear in mind that energy development on federal lands promotes investment in rural areas where State and local economies depend on the industry for jobs, continued economic prosperity and revenue generated from state severance tax and other local taxes generated from these projects.

B. Support for Environmental Conservation

Our members also support the health and sustainability of public lands and resources. The oil and natural gas industry employs technology and strategies as part of its support for environmental stewardship—taking measures to prioritize protecting public health and the environment, while working to deliver plentiful energy. Measures for the protection of species, habitats and groundwater are all part of our approach to oil and natural gas development - projects are designed, managed and operated to identify and address potential environmental impacts associated with activities ranging from initial exploration to eventual closure and land reclamation. Our members strive to improve the compatibility of their operations with the environment while responsibly and economically developing energy resources and supplying high quality products and services to consumers. Indeed, across these varied operations, our members are working every day to further reduce impacts to air, water, and land resources, including to protected species and habitats.

API's members are participants in federal, state, and private efforts to protect and conserve endangered and threatened species and other species of concern as well as their ecosystems. Our member companies have enrolled millions of acres in conservation plans and committed tens of millions of dollars to fund habitat conservation and restoration programs, including efforts targeted at the GRSG. They work closely with state wildlife management agencies, which have the local expertise to best manage wildlife resources as well as wildlife groups like the National Fish and Wildlife Foundation to develop plans and protocols for protecting wildlife. This collaboration has resulted in improved habitat and species health. For example, modern energy production methods and technologies have resulted in a 70% reduction in surface disturbance when compared to historic practices.[4] Our industry also works with many stakeholder groups to understand migration patterns and routes in areas where we operate. Companies adapt operations to address impacts to these animal movements and habitats. We recognize the importance of protecting and maintaining these historic migrations.

C. Ensuring Access for Oil & Natural Gas Production on Federal Lands

Energy production on BLM lands provides immense value for the nation. BLM should ensure that any proposed ACECs do not inadvertently limit access to large swaths of public lands that would otherwise be suitable for potential energy resource development of all kinds, including oil and natural gas production.

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[4] *See* David H. Applegate & Nicholas Owens, *Oil and Gas Impacts on Wyoming's Sagegrouse: Summarizing the Past and Predicting the Foreseeable Future*, 8 HUMAN–WILDLIFE INTERACTIONS 284, 289–90 (2014), https://www.researchgate.net/publication/267765279_Oil_and_Gas_Impacts_on_Wyoming%27s_Sagegrouse_Summarizing_the_Past_and_Predicting_the_Foreseeable_Future.

BLM manages approximately 245 million acres of surface estate of public lands in the United States (more than any other federal agency).[5] BLM also manages the federal government's onshore subsurface mineral estate (approximately 700 million acres).[6] The Congressional Research Service (CRS) recently explained the enormous importance of energy production on federal lands to the federal government, the states, local communities, and the nation as a whole.[7] Production of oil and natural gas from onshore federal lands represents almost 10% of total domestic production of crude oil and natural gas. CRS found that total revenues from oil and natural gas leases on onshore federal lands exceeded $4.2 billion in fiscal year 2019. This substantial return for the taxpayer is comprised of royalty payments, bonuses, interest payments on leases, rents, and other sources. In turn, these funds were disbursed to states (more than $2 billion), the Reclamation Fund (more than $1.5 billion), and the U.S. Treasury ($444 million), among other things.[8]

More recent data published by the Interior Department's Office of Natural Resources Revenue (ONRR) shows that, for fiscal year 2022, federal leases generated over $7.6 billion in revenues (from bonus bids, royalties, rents, and other sources).[9] For FY 2022, ONRR disbursed over $4.3 billion in funds collected from leasing activities on federal lands and waters to 33 states.[10] As stated by CRS, "[f]ederal revenues from oil and natural gas leases provide income streams that support a range of federal and state policies and programs."

II. Recent BLM Actions Unduly Limit Oil and Gas Development on Federal Lands

The Draft RMPA/EIS comes on the heels of a series of actions by BLM that seek to unduly limit oil and gas development on federal lands, including but not limited to the Bureau's recently-finalized Public Lands Rule.[11] In that rule, BLM has declared that conservation is a use of public lands equivalent to other uses of public lands such as energy development, while effectively making conservation "first among equals" with respect to uses of BLM-managed lands such that conservation will be given priority over all other uses, particularly the types of uses in which API members engage in to provide needed energy for the American public.

BLM has also recently finalized its Renewable Energy Rule, which recalibrates federal

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[5] The White House, *Department of the Interior*, *in* THE BUDGET FOR FISCAL YEAR 2024 (2023), https://www.whitehouse.gov/wp-content/uploads/2023/03/int_fy2024.pdf.

[6] BLM, *About the BLM Oil and Gas Program* (last visited June 14, 2023), https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/about#:~:text=The%20BLM%20manages%20the%20Federal,benefit%20of%20the%20American%20public.

[7] BRANDON S. TRACY, CONG. RES. SERV., R46537, REVENUES AND DISBURSEMENTS FROM OIL AND NATURAL GAS PRODUCTION ON FEDERAL LANDS (2020), https://crsreports.congress.gov/product/pdf/R/R46537.

[8] *Id.*

[9] DOI, *Interior Department Announces $21.53 Billion in Fiscal Year 2022 Energy Revenue, Highest-Ever Disbursements from Clean Energy from Federal Lands and Waters* (Nov. 4, 2022) [*hereinafter FY 2022 Announcement*], https://www.onrr.gov/press-releases/FY2022.Disbursements.Press.Release.pdf.

[10] *Id.*

[11] Final rule, *Conservation and Landscape Health*, available at https://www.federalregister.gov/documents/2024/05/09/2024-08821/conservation-and-landscape-health#:~:text=The%20Conservation%20and%20Landscape%20Health%20Rule%20establishes%20the%20policy%20for,and%20data%20as%20the%20foundation ("Public Lands Rule").

land management regulations to promote and incentivize greater deployment of wind and solar energy projects.[12] The rule provides more favorable land management provisions for renewable energy as compared to traditional energy projects like oil and natural gas development, which remain critical for U.S. energy security. These favorable changes contrast sharply with the substantial additional burdens contained in BLM's recent revisions to its oil and natural gas leasing regulations.[13] API members support responsible energy development on federal lands consistent with FLPMA's multiple use mandate and other applicable laws and regulations. We also agree with the general imperative to adopt reforms to increase energy production on public lands consistent with an "All of the Above" energy policy. However, the Renewable Energy Rule relies on a procedurally deficient analysis to underpin changes that alter basic principles of federal land management, creates an unlevel playing field among energy sources on federal lands, and potentially restricts access for oil and natural gas development in some areas for decades to come.

These recent actions fail to comply with BLM's fundamental grant of authority from Congress. The Federal Land Policy and Management Act (FLPMA) and its Multiple Use Framework generally govern the use of lands administered by BLM.[14] Under FLPMA, Congress specifically instructed that federal lands must be managed "on the basis of multiple use and sustained yield unless otherwise specified by law."[15] The Multiple Use Framework accounts for the fact that public land use must be multifaceted and still meet present resource needs. The principal uses contemplated under the Multiple Use Framework are "limited to[] domestic livestock grazing, fish and wildlife development and utilization, mineral exploration and production, rights-of-way, outdoor recreation, and timber production."[16] While conservation is certainly an important element to be considered by BLM in managing public lands, it cannot be promoted in such a way as to exclude or diminish any "principal or major uses."

Therefore, in considering potential ACECs, BLM must respect the multiple use mandate of FLPMA. API is concerned that certain aspects of the proposed ACECs and the associated RMP/DEIS may fail to adhere to the statutory requirements designed to ensure that public lands are accessible and available for leasing for all sources of energy. API will be submitting comments on the Draft RMPA/EIS more generally that will address this issue further.

III. Concerns Regarding ACEC Proposal

Appendix 5 of the Draft RMPA/EIS sets forth the process BLM undertook in evaluating

[12] Final Rule, Rights-of-Way, Leasing, and Operations for Renewable Energy, available at https://www.federalregister.gov/documents/2024/05/01/2024-08099/rights-of-way-leasing-and-operations-for-renewable-energy

[13] Final rule, Fluid Mineral Leases and Leasing Process, prepublication version available at Fluid Mineral Leases and Leasing Process Final Rule (Unofficial Prepublication) (blm.gov).

[14] *See, e.g.*, 43 U.S.C. § 1702(c) (defining "multiple use"). While the proposed rule would apply to lands administered by BLM under RMPs implementing the multiple-use mandate of FLPMA, it would not apply to other lands administered by BLM which typically have a primary purpose designated by Congress. We encourage BLM to maintain clarity on this point so that neither BLM nor the regulated community of public land users must labor under uncertainty about the scope of application of the regulations.

[15] 43 U.S.C. § 1701(a)(7).

[16] 43 U.S.C. § 1702(*l*).

potential ACECs, yet it fails to explain many key details about the Bureau's methodology. BLM does not explain the specific methodology being applied to the various ACEC criteria, leading API to believe there is no objective, quantitative methodology being utilized that could be replicated. API's ability to provide fully informed, comprehensive comments on the proposed ACECs is compromised by this lack of detail. Nevertheless, API identifies the following concerns with the proposed ACECs.

A. BLM Has Failed to Explain Why the Proposed ACECs Need Special Management

ACEC designations during planning are an existing tool for BLM to require special management of areas with sensitive resource values. As noted above, API members support efforts to protect and conserve endangered and threatened species and other species of concern as well as their ecosystems. API also supports a data-driven approach for identifying ACECs in accordance with BLM regulations. Appendix 5 of the Draft RMPA/EIS sets forth the process BLM followed in this case in assessing areas for possible designation as ACECs and the rationale for its proposed designations. However, that process for identifying ACECs in this case and the rationale provided in Appendix 5 do not comport with BLM's new standards.

The Bureau's existing regulations require that, to be eligible for designation as an ACEC, an area must have (i) relevance, such as a fish or wildlife resource, and (ii) importance, i.e., substantial significance.[17] Appendix 5 states that the areas considered for designation meet both of these criteria because they contain habitat that is valuable for all GRSG life stages, including lekking, brood-rearing and winter range.[18]

As BLM recognizes in Appendix 5, in order to qualify as an ACEC, an area of relevance and importance must also require special management.[19] This requirement – long described in BLM's ACEC Manual – has now been codified through the Bureau's recent revisions to its ACEC regulations as part of the Public Lands Rule.[20] The preamble to the Public Lands Rule emphasizes that special management attention must be necessary for the protection of the values in question, not just beneficial.[21] "Special management attention" means management prescriptions that protect and prevent irreparable damage to the relevant and important values of the area that would not be prescribed if the relevant and important values are not necessary.[22] "Irreparable damage" is defined in the Public Lands Rule as harm to a resource that substantially diminishes the relevance or importance of the resource in such a way that recovery of the resource to the extent necessary to restore its prior relevance or importance is *impossible*.[23]

Appendix 5 describes BLM's process of assessing relevance and importance range-wide, the result of which was the identification of over 11 million acres of sage grouse habitat as having

[17] 43 C.F.R. § 1610.7-2(a).
[18] App. 5 at 5-3.
[19] *Id*.
[20] 43 C.F.R. § 1610.7-2(d).
[21] Public Lands Rule at 40330. ("The final element of the standard for ACEC designation means more than finding special management attention will benefit the identified values; rather, it requires a finding that special management is necessary for their stewardship.")
[22] 43 C.F.R. § 1610.7-2(d)(3).
[23] 43 C.F.R. § 1610.7-2(d)(3)(ii).

relevance and importance. Nothing in the Draft RMPA/EIS explains how the proposed ACECs *need* special management attention. In fact, under Alternatives 3 and 6, all 11 million-plus acres identified would be designated as ACECs, representing a judgement by BLM that every acre determined to be relevant and important needs special management attention. However, BLM has not explained the basis for this conclusion.

B. The Proposed ACECs Do Not Need Special Management Attention with Respect to Oil and Gas Development

BLM has certainly not demonstrated that all 11 million acres identified as relevant and important – or any subset thereof – need special management attention as a result of oil and gas-related activities. Oil and gas development has evolved in ways that limit the impact of development activities on species such as the GRSG. This evolution has included the adoption of technologies to make oil and gas production more efficient, which in turn results in minimization of impacts on the environment. The most prominent example of this phenomenon is the widespread adoption of horizontal drilling techniques, which allow the efficient capture of oil and gas over a broad area using many fewer well pads (and correspondingly fewer roads) than historical vertical well drilling techniques. The use of a single well pad to drill multiple horizontal wells results in substantially reduced surface disturbance and much more localized drilling and well completion operations.[24] Other technological developments that have resulted in more efficient drilling include the use of improved drill bits and downhole imaging techniques that allow adjustments in drilling direction in real time. The resulting gains in efficiency minimize the time associated with the activity-intensive phase of well development as well as associated noise.

The evolution in oil and gas operations also includes measures taken by operators specifically to minimize environmental impacts. These measures include a variety of efforts that reduce or mitigate noise, such as steps to minimize the use of diesel engines during well drilling and completion. Additional noise mitigation measures may include the use of enhanced mufflers on engines and acoustically engineered sound barrier blankets and sound walls.

Research provides evidence of the limited impacts of modern oil and gas operations on GRSG. For example, one recent paper analyzing the Parachute-Piceance-Roan GRSG population concluded that there was no "obvious pattern of greater avoidance of wells pads and facilities with more industrial activities."[25]

Perhaps the key reason that the areas identified as potential ACECs do not need special management attention regarding oil and gas development is that such development would not be expected to harm GRSG habitat in such a way that recovery of the resource to the extent necessary to restore its prior relevance or importance is *impossible*. The life of an oil and gas well is finite,

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[24] *See, e.g.*, Garman, *A simulation framework for assessing physical and wildlife impacts of oil and gas development scenarios in Southwestern Wyoming*, Environmental Modeling and Assessment, v. 23, no. 1, p. 39–56 (2017), https://doi.org/10.1007/s10666-017-9559-1 ("Reducing pad numbers with directional-drilling technology reduced surface disturbance area and impacts on spatially extensive habitats (48–96% of study area) such as sagebrush-obligate songbird habitat, elk winter range, and sagebrush core area."); Applegate & Owens, n. 4 supra (surface disturbance reduced 70 %).

[25] Walker, BL, *Resource selection by greater sage-grouse varies by season and infrastructure type in a Colorado oil and gas field,* Ecosphere (2022 May);13(5):e4018.

and research has shown that restoration of well pads is possible. For example, a study of efforts to restore sagebrush habitat in the Piceance Basin after disturbances associated with oil and gas development concluded that "Restoring oil and gas disturbances to fully functional, diverse plant communities for wildlife habitat in northwestern Colorado is possible."[26] In fact, recent research has shown that restored well pad sites can provide better GRSG habitat than pre-existing conditions. Thus, GRSG and oil and gas development can co-exist and there is no need to exclude all oil and gas development from over 11 million acres of GRSG habitat.

C. Many of the "Rangewide Special Layers" Are Problematic

API has other significant concerns about the process BLM used to assess potential ACECs. As described in Appendix 5, the Bureau's process began with a range-wide preliminary analysis based on a review of a series of "spatial layers," which consists of a group of eight papers identified in the Appendix. However, several of these papers are characterized by significant limitations that call into question their suitability as a basis for a regulatory review that could result in millions of acres being placed off-limits to various forms of productive use.

For example, one of the "layers" is a 2022 paper by Oyler-McCance *et al*. regarding strategies for characterizing genetic structure in wide ranging, continuously distributed species such as the GRSG.[27] The premise of this paper is that that genetic connectivity of sage grouse populations (via protection of and/or reestablishment of natural migration corridors) is vital to their conservation and needs to be incorporated into management plans. The authors recommend a redrawing of current GRSG management boundaries based upon their analysis of genetic data. However, their analysis is based on selectively-neutral genetic markers (microsatellites) that occupy non-transcribed sections of DNA between functional genes, and therefore have no role in GRSG survival, are not subject to natural selection, nor are of adaptive importance. Unless a microsatellite locus is closely linked to a specific gene (i.e., nearby on the same chromosome) microsatellites can only provide an index of levels and patterns of genetic variation found within and among populations. Moreover, the authors do not address the impact on their analysis of the translocation of thousands of GRSG in Wyoming, Utah and Idaho. These same concerns apply to another "layer," i.e., the 2018 paper by Cross *et al*.[28]

Another of the "layers" is a 2021 paper by Rigge *et al*. regarding projected impacts on sagebrush habitat as a result of climate change.[29] This paper modeled potential future land cover, including sagebrush, shrub, herbaceous, annual herbaceous, litter, and bare ground, based on two CO2 emission scenarios, i.e., RCP 4.5 and RCP 8.5. However, in presenting their results, the authors focus on the RCP 8.5 scenario, which constitutes a worst-case analysis. [30] This unrealistic,

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[26] Johnston, *Piceance Basin Restoration For Wildlife,* Colorado Parks and Wildlife Technical Report No. 57 (2020), CPW-R-T-57-20, ISSN 0084-8883.

[27] Oyler-McCance, SJ et al., *New strategies for characterizing genetic structure in wide-ranging, continuously distributed species: A Greater Sage-grouse case study,* Plos one (2022 Sept. 13); 17(9):e0274189.

[28] Cross et al., *The genetic network of greater sage-grouse: Rangewide identification of keystone hubs of connectivity*.

[29] Rigge, M., et al., *Projected change in rangeland fractional component cover across the sagebrush biome under climate change through 2085,* Ecosphere 12(6):e03538.10.1002/ecs2.3538

[30] Pielke Jr,, JR, *How Climate Scenarios Lost Touch With Reality: A failure of self-correction in science has compromised climate science's ability to provide plausible views of our collective future*, Issues in Science and Technology, vol. 37, no. 4, p. 74-83 (2021) ("RCP8.5—the most commonly used RCP scenario and the one said

worst-case scenario is misleading because it "paints a dystopian future that is fossil-fuel intensive and excludes any climate mitigation policies, leading to nearly 5 °C of warming by the end of the century."[31] Moreover, if this scenario were to occur, it would be characterized by substantially increased CO2 levels that would actually promote plant growth, a phenomenon the authors acknowledge but do not take into account in their modelling, thereby enhancing its unrealistic, "worst case" nature.

In short, many of the "layers" that serve as the foundation for BLM's analysis include significant flaws, rendering that foundation shaky. Therefore, Bureau should reevaluate the bases for its ACEC evaluation.

D. API Agrees with BLM's Exclusion of Areas Where the Federal Government Does Not Control the Surface Estate

Appendix 5 states that in conducting its evaluation BLM did not include areas of split estate where the federal government owns the mineral rights but not the surface.[32] API supports this approach. As the Bureau notes, in areas where the federal government does not control the surface estate there would be no wildlife resource within BLM's jurisdiction and such areas would therefore not meet the threshold relevance criterion for qualifying for ACEC designation.

IV. Conclusion

API respectfully requests that BLM select its preferred alternative, which would not include designation of new ACECs. At a minimum, the Bureau should reconsider the "layers" that serve as the basis for its evaluation of potential ACECs and it must provide a reasoned, science-based explanation for any conclusion that areas identified for potential designation require special management attention consistent with the Bureau's newly adopted regulations. API urges BLM to focus its efforts on ensuring productive use of public lands consistent with the existing Multiple Use Framework and in a manner that places all sources of energy on a level playing field.

Sincerely,

Amy Emmert

Amy Emmert
Senior Policy Advisor
American Petroleum Institute

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to best represent what the world would look like if no climate policies were enacted—represents not just an implausible future in 2100, but a present that already deviates significantly from reality").

[31] Hausfather Z, Peters, GP, *Emissions – the 'business as usual' story is misleading*, Nature, p. 618-620 (2020), https://doi.org/10.1038/d41586-020-00177-3; Pielke Jr, et al., *Plausible 2005–2050 emissions scenarios project between 2 °C and 3 °C of warming by 2100*, Environmental Research Letters 17 024027 (2022), https://iopscience.iop.org/article/10.1088/1748-9326/ac4ebf/meta#erlac4ebfs5 ("the likelihood of high emissions scenarios such as RCP8.5 or SSP5-8.5 is considered low" (citations omitted)).

[32] App. 5 at 5-4.

In Regards to the Greater Sage Grouse Management Plan.

I support Alternative 3.

It is best to manage Sage Grouse through "Primary Habitat Management Areas". All PH MAs would closed to mineral leasing. All PHMA must be withdrawn from any ruling under the 1872 Mining Law. PHMAs are unavailable to livestock grazing. We/You must do every thing possible to protect the Sage Grouse habitat.

Impliment Alternative 3.

Eric Redhal Grand Junction CO.

GRAND JUNCTION CO 815

28 MAY 2024 PM 1 T

Attn: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT

84101

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Submitted Via BLM National NEPA Register (E-Planning)

May 14, 2024

Patricia Deibert
Bureau of Land Management
National Sage-grouse Coordinator
5353 Yellowstone Road
Cheyenne, WY 82009

RE: Comments on Proposed Areas of Critical Environmental Concern in the Notice of Availability of the Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning, 89 Fed. Reg. 18963 (March 15, 2024)

Dear Ms. Deibert,

Barrick Gold of North America, Inc. (BGNA) and Nevada Gold Mines, LLC (NGM) (collectively, "Barrick") appreciate the opportunity to submit comments on the Bureau of Land Management's (BLM's) Draft Resource Management Plan Amendment (RMPA) and Draft Environmental Impact Statement (EIS) for Greater Sage-Grouse Rangewide Planning (collectively, the Draft RMPA/EIS). Because the BLM has established a shorter public-comment period for comments on Areas of Critical Environmental Concern (ACECs), this letter focuses on Barrick's concerns with the proposed ACECs. Barrick has already requested an extension of both the public comment periods and intends to submit a separate letter at a later date commenting on the remainder of the Draft RMPA/EIS and any additional aspects of the proposed ACECs that warrant comment.[1]

Please consider these comments and include them in the administrative record for the Draft RMPA/EIS.

I. Introduction

BGNA is a wholly owned subsidiary of Barrick Gold Corporation. BGNA's U.S. interests include several operating mines in Nevada, a reprocessing project in Montana, and exploration targets throughout the western United States including in Nevada, Montana, Idaho, and Oregon. Barrick Gold Corporation is routinely recognized as a world leader in environmentally responsible mining. We are consistently named to the Dow Jones Sustainability World Index and the Dow Jones North American sustainability list.

NGM is a Barrick-controlled joint venture between a BGNA affiliate and Newmont Corporation. It operates the world's largest gold-producing complex in northern Nevada, in addition to several mineral exploration and development projects across thousands of acres of federal public lands. NGM's expansive assets in northern Nevada include ten underground mines, twelve open pits, two autoclave facilities, two roasting facilities, four oxide mills, five heap leach facilities, and numerous exploration projects. NGM employs more than 7,000 men and women at operations across Nevada and in its offices in Elko and Henderson. In 2022, NGM's investment in Nevada alone totaled more than $2.7 billion, including $302 million in state taxes, $1.07 billion in personnel costs, $1.31 billion in goods and service purchased in Nevada, and $17.9 million in community investments.

[1] BLM represented at the public meetings, both virtual and in-person, that it would consider any substantive comments on ACECs submitted until the close of the overall comment period for the Draft RMPA/EIS. Barrick submits this comment letter at the earlier deadline out of an abundance of caution but does not waive the ability to provide additional comments on ACECs until the close of the overall comment period for the Draft RMPA/EIS.

Although the development of natural resources often impacts the environment, Barrick believes that careful planning and mitigation can minimize these impacts, often to the net benefit of the natural environment. As part of its modern, responsible approach to mining, Barrick follows the "avoid, minimize, mitigate" hierarchy during its mining life cycle. This includes obligations to avoid impacts where possible during the design phase; implement extensive recontouring, revegetation, and other reclamation activities to minimize the impacts that cannot be avoided on the sagebrush ecosystem that predominates in northern Nevada; and mitigate any residual impacts with accepted mitigation tools. To date, Barrick has completed reclamation on thousands of acres of public lands in Nevada, with particular emphasis on restoration and improvement of habitat for sagebrush-obligate species. These efforts in Nevada are reflected throughout the Barrick mining portfolio where sagebrush habitat exists, including at the Golden Sunlight Mine near Cardwell, Montana.

Barrick is an active participant in both Nevada's Conservation Credit System and Barrick's Bank Enabling Agreement, which address residual impacts to greater sage-grouse and other sagebrush-obligate species. These programs are mitigation banking systems wherein Barrick preserves and/or rehabilitates habitat in offsite locations to offset disturbance at its project sites. For the Bank Enabling Agreement, Barrick relies on its science advisor, The Nature Conservancy, and its agency partners—BLM and U.S. Fish and Wildlife Service—to ensure that all actions taken use the best available science for the species it is working to conserve.

Barrick also owns several ranches throughout its mining portfolio, particularly in Nevada, where Barrick is one of the largest owners of private land in the state, including hundreds of thousands of acres of ranchland now used for livestock production that is also recognized as high-value habitat for sage-grouse and other species. Barrick has voluntarily implemented a range of measures on its own lands to benefit sage-grouse, including innovative grazing management techniques, participation in BLM's outcome-based grazing and targeted grazing programs and restoration of native perennial vegetation on Barrick properties impacted by fire and invasive annual species. Barrick has many years of experience with federal lands to benefit sage-grouse and has developed considerable expertise related to sagebrush ecosystem conservation.

II. Summary of Comments

The BLM's designation of ACECs in Alternatives 3 and 6 is unwarranted and contrary to applicable regulation and guidance. Barrick does not support the selection of either Alternative 3 or 6 for this reason. The use of ACECs in Alternatives 3 and 6 contradicts BLM's multiple-use mandate and impedes development activities (including mining) on public lands. Neither of these alternatives is permissible because they exceed BLM's statutory and regulatory authority with respect to this resource management planning effort.

Unlike other land-management designations, ACECs do not have uniform management practices that apply to all ACEC-designated land. Instead, BLM develops site-specific "special management" practices on a case-by-case basis. These management plans are typically considered in the context of updating local resource management plans. Not all ACECs are eligible for the same reasons, and so they cannot be managed the same. Therefore, they must be considered individually and managed with local input. Here, the landscape-scale approach to managing the dozens of ACECs that this Draft RMPA/EIS proposes, covering over 11 million acres, is inconsistent with the principle on which BLM develops ACECs and constitutes shocking agency overreach.

The use of ACECs as a conservation tool is generally a poor fit for a landscape-scale species or initiatives and is not necessary in this planning effort. Because the Draft RMPA includes numerous and wide-ranging protections for the sage-grouse across the relevant planning areas, the areas proposed for designation as ACECs under Alternatives 3 and 6 do not need special management attention. This is especially true where the proposed management of those ACECs would not address the top threats to habitat identified by the Draft RMPA/EIS itself: fire and invasive species.

Lacking causal connection between the proposed ACECs to management strategies that would actually

address species threats, the proposed ACEC management under Alternatives 3 and 6 is otherwise unduly restrictive and inconsistent with BLM's multiple-use mandate. Moreover, it is unclear how the proposed ACECs in Nevada and Idaho satisfy the "importance" criterion to qualify as an ACEC. And some proposed ACECs that overlap or are adjacent to existing development, including mining facilities, also appear not to satisfy the "relevance" criterion. In fact, two of the proposed ACECs in Nevada are situated directly on top of large and active mining operations and complexes. Contrary to BLM guidance, BLM did not actively seek input on the relevance and importance criteria from Barrick, as a non-BLM source with local knowledge of these areas, during the development of these ACECs whatsoever, and the first time it was aware of the proposal was upon review of the Draft RMPA/EIS.

Beyond noting the obvious flaws, such as when ACECs are proposed for areas that have been highly disturbed and are currently occupied by human development, Barrick cannot effectively comment on these ACECs because the Draft RMPA/EIS does not sufficiently analyze the impacts that these specific proposed ACEC designations will have on its current and future operations. Additionally, the number and total acreage of ACECs proposed for designation in Nevada/California are disproportionate to the other states and would result in Nevada/California shouldering an inequitable amount of the burden of sage-grouse conservation. Furthermore, some of the information upon which BLM is basing its analysis of the ACECs is not available for public review and comment, which is entirely inappropriate and inapposite to the requirement of making agency records available under the Administrative Procedure Act and the National Environmental Policy Act (NEPA). Thus, BLM must not select an alternative that designates any additional ACECs for purposes of sage-grouse conservation.

Finally, BLM must develop and circulate a supplement to the DEIS now that the Public Lands Rule (otherwise referred to as the Conservation and Landscape Health Rule) has been finalized and published in the Federal Register, to be effective June 10, 2024. The Public Lands Rule's prioritization of ACEC designation and changes to current practices for designating ACECs have not been accounted for in the current environmental analysis, and BLM will violate NEPA if it finalizes these resource planning efforts without supplementing its impact analysis.

III. ACECs are Inappropriate Sage-Grouse Management Tools.

Barrick appreciates that BLM is not proposing to designate any ACECs as part of BLM's preferred alternative, Alternative 5. Barrick supports BLM's apparent conclusion that ACECs are not the right tool for managing landscape-scale species such as the sage-grouse.

The Federal Land Policy Management Act (FLPMA) defines ACECs as:

> [A]reas within the public lands where special management attention is required (when such areas are developed or used or when no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards.

43 U.S.C. § 1702(a). The statute's use of the term "irreparable" shows Congress' intent to create some limitations on the use of ACECs. Courts have held that short-term disturbances to these resources that do not cause irreparable damage are permissible. *See, e.g., Rags Over the Ark. River, Inc. v. BLM*, 77 F. Supp. 3d 1038 (D. Colo. 2015). Here, BLM has failed to explain why disturbance (short term or otherwise) in the areas covered by the proposed ACECs is irreparable, especially considering the existing management protocols in place to protect habitat in those areas.

Because the existing RMPA and other alternatives contain a range of other conservation measures to protect the sage-grouse, special management attention is not needed in the areas proposed as ACECs in Alternatives

3 and 6.[2] This is consistent with BLM's conclusion in the 2015 planning effort. *See* Draft RMPA/EIS, App. 5 at 5-3 ("BLM decided not to designate PHMA as ACECs in the applicable Records of Decision because it was determined that the management actions for PHMA would be sufficient to protect GRSG habitat and, as such, ACEC designation of PHMA was not required."). That conclusion continues to be valid in the current planning effort, and BLM has failed to present any new science or information that supports a contrary determination.

Moreover, while the management restrictions contemplated for the ACECs proposed in Alternatives 3 and 6 would restrict development, they would have little effect on the major threats to the species, namely fire and invasive species. *See* Draft RMPA/EIS at 1-3 ("Sixteen adaptive management habitat triggers were tripped between 2015 – 2020, mostly as a result of sagebrush loss to wildfires."); *id.* at 2-167 ("The role wildfire and invasive grasses play in the health of GRSG habitat in Nevada and California resulted in considering adjustments to several management actions focused on addressing these threats compared to the 2015 and 2019 decisions."). Barrick encourages BLM to finalize the RMPA, after issuing a supplemental DEIS and rectifying the other flaws identified in the public comment process, without designating any ACECs for purposes of sage-grouse conservation in the selected alternative.

IV. BLM's Management of the Proposed ACECs is Overly Restrictive.

A. Alternative 3's Proposed Withdrawals are Inconsistent with FLPMA and Would Be Disastrous for the Mining Industry.

Both the designation and proposed management of ACECs under Alternative 3 are inappropriate since the ACECs would include some areas that do not qualify as Priority Habitat Management Areas (PHMA), and appear to be non-habitat, but would be managed as restrictive as areas that do qualify as PHMA. *See* Maps 2.3 and 2.6. This is an unwarranted, de facto increase in PHMA acreage, untethered to the on-the-ground conditions. If the areas are not PHMA, or even sage-grouse habitat, it is not clear how they meet the "importance" criterion for designation as an ACEC.[3]

In addition, the proposed management restrictions for ACECs under Alternative 3 are extreme and inconsistent with BLM's multiple-use mandate under FLPMA. Under this alternative, BLM would propose the withdrawal of all ACECs (as well as all PHMA) from mineral entry. If the ACECs were actually withdrawn from mineral entry by the Secretary of the Interior, it would have devastating consequences on the mining industry in the West, especially in Nevada and Idaho, which would in turn have significant adverse effects on those states' economies.

Nevada has the largest mining program in the BLM, with almost half of the BLM's active total mining claims. *See* BLM, Nevada Mining and Minerals (*available at* https://www.blm.gov/programs/energy-and-minerals/mining-and-minerals/about/nevada) (last accessed May 12, 2024). Mining in Nevada is a roughly $9 billion industry and represents six percent of the state's Gross Domestic Product. *See* Global Business Reports, Arizona & Nevada Mining 2023, at 8 ("GBR Report") (*available at* https://www.gbreports.com/files/pdf/_2023/Arizona_Nevada-Mining-2023-RGB-spreads.pdf) (last accessed May 12, 2024). NGM's Carlin Complex, a portion of which is proposed to be included in the Owyhee West ACEC, alone represented 77% of American gold production in 2021 and close to 5% of the world's production. *Id.* NGM alone contributed over $2.6 billion to the State of Nevada in 2021, including taxes, royalties, salaries, and procurement spending, with $8.9 million going to social investments. *Id.* at 28. That same year, the mining industry increased Nevada school funding by $300 million. *Id.* at 12. Adding ACECs to the Sage-Grouse RMPs, especially in two of NGM's main mining complexes (the Owyhee West ACEC at the Carlin Complex and the Grass Valley/Kobeh Valley

[2] *See* BLM IM 2023-013, Clarification and Interim Guidance for Consideration of Areas of Critical Environmental Concern Designations in Resource Management Plans and Amendments (Nov. 30, 2022) ("The BLM must also evaluate the need for special management attention to protect relevant and important values when considering whether to designate an area as an ACEC.")

[3] The fact that the proposed ACECs under Alternative 3 would be managed the same as PHMA areas outside the ACECs also further underscores that they do not qualify as needing special management attention.

ACEC at the Cortez Complex), would effectively cripple Nevada's overall economy and significantly harm its education funding and rural communities.

Aside from the potential effects of withdrawal, the designation of ACECs across over 11 million acres would have a seriously detrimental effect on mineral exploration in those areas. Under BLM's mining regulations, a mining company can conduct exploration that causes five acres or less of surface disturbance through submittal of a notice to BLM. 43 C.F.R. § 3809.21(a). The mining company may begin exploration activities 15 days after submittal of the notice, unless BLM determines the notice is incomplete or takes other specified actions with respect to the notice. *Id*. § 3809.312. Thus, notice-level exploration is a streamlined approval process that does not trigger environmental review under NEPA.

By contrast, when a mining company proposes to conduct any exploration in an ACEC beyond casual use, notice-level exploration is prohibited, and the company must submit a plan of operations for BLM approval. *Id*. § 3809.11(c)(3). The amount of information and level of detail required in a plan of operations are significantly greater than the notice required for notice-level operations. *Compare id.* § 3809.301(b) *with id.* § 3809.401(b). Furthermore, BLM's review and approval of a plan of operations triggers an environmental review under NEPA, which can take several months to a few years to complete. Thus, designating large swaths of Nevada, Idaho, and other states as ACECs, *including currently active mining complexes*, will significantly impair the ability to conduct exploration activities in some of the most productive mineralized areas in the Nation.

The excessive restrictions on other land uses in ACECs under Alternative 3, such as managing them as exclusion areas for major rights-of-way and renewable energy projects and closed to livestock grazing, would have similarly dire consequences on energy and infrastructure development and the agricultural industry in these states. Closing ACECs to major rights-of-way would result in longer routes—and thus more surface disturbance, environmental impacts, and costs—to avoid the exclusion areas. Alternative 3's approach to the designation and management of ACECs fails to properly balance competing land uses as required by FLPMA. BLM must not select Alternative 3 nor incorporate elements of this Alternative—especially withdrawals—into the final rule.

B. Limiting Notice-Level Exploration in Alternative 6 Would Severely and Disparately Impact Mining.

While BLM would not recommend withdrawing the ACECs proposed for designation from mineral entry under Alternative 6, notice-level exploration activities would still be prohibited in ACECs, with all proposed exploration beyond casual use requiring a plan of operations and NEPA review, as described in Section IV.A above. This alone would impose an incredible and unwarranted burden on exploration activities, particularly in Nevada and Idaho, which would have a profound impact on the mining industry and state economies. *See* Section IV.A.

In addition, similar to Alternative 3, the restrictions on major and minor rights-of-way (exclusion and avoidance, respectively) would result in greater environmental impacts and costs as a result of the longer routes needed to bypass ACECs. And closure of ACECs to wind and solar development could result in an unacceptable increase in development pressure on adjacent lands. As companies across the West seek to build out a renewable energy transmission grid, including Barrick, which is in the process of commissioning a 200MW solar generation facility, these restrictions will significantly hinder the energy transition. Thus, while the management of proposed ACECs under Alternative 6 would have significant impacts on the reasonable use of public lands and would be inconsistent with FLPMA's multiple-use mandate.

V. BLM's ACEC Boundaries Lack Local and Scientific Support.

In addition to the fact that, as described in Section VII below, the total acreage of ACECs being considered in Nevada under Alternatives 3 and 6 is extraordinarily excessive, some of the proposed ACECs overlap with existing mining projects and potential expansion areas. For instance, the proposed Grass-Kobeh Valley ACEC

overlaps with NGM's recently approved Goldrush Project, which is located in an area where BLM has previously authorized plans for mining facilities and surface disturbance, including the Horse Canyon Mine Plan, HC/CUEP Plan, the West Pine Valley Exploration Project Plan, and the Cortez Mine Plan.[4] Likewise, the proposed Owyhee West ACEC overlaps with NGM's Carlin Operations and authorized exploration.

Under BLM's existing ACEC guidance, BLM must identify potential ACECs early in the planning process (ACEC Manual 1613.21) and analyze the effects of designating an ACEC (ACEC Manual 1613.22(C)). It is unclear whether BLM complied with its ACEC guidance in requiring the District Manager to concur on the relevance and importance evaluations, particularly on the two ACECs referenced above that would overlap Barrick's operations. *See* BLM Manual 1613.21(C). If so, the BLM should disclose that information as well as the interdisciplinary team's evaluation of the factors that influenced the management prescriptions for each and every proposed ACEC. *See* BLM Manual 1613.22(A) (requiring identification of factors that influence management prescriptions, including relationship to other resources or activities, what measures can be taken to protect the potential ACEC values without restricting other resource uses, and relationship to existing mining claims). BLM certainly did not engage with Barrick in this process, contrary to the ACEC Manual. *See* BLM Manual 1613.21B (noting that BLM should actively seek information on relevance and importance, including from non-BLM sources and specialists qualified by knowledge, training, or experience to comment on the area or resource in question).

By failing to engage on the local level in developing these ACECs, BLM's Draft RMPA/EIS improperly: (1) provides special management procedures for all Nevada/California ACECs regardless of the particular characteristics that make them eligible; (2) selects boundaries for ACECs with no input from the individual and entities that will be impacted by them; and (3) fails to analyze the site-specific impacts of designating the ACECs. The public (and Barrick) cannot effectively comment on the ACEC designations and proposed special management plans without this critical information.

In addition, proposing ACECs within and adjacent to existing mining projects conflicts with BLM's planning regulations. Under those regulations, to be designated as an ACEC, an area must satisfy both "relevance" and "importance" criteria. *See* 43 C.F.R. § 1610.7-2(a). The regulations further explain that, for relevance, "[t]here shall be present a significant historic, cultural, or scenic value; a fish or wildlife resource or other natural system or process; or natural hazard." *Id*. § 1610.7-2(a)(1). For this planning effort, BLM has determined that

> areas within the mapped habitat management areas generally met the relevance criteria at this scale of habitat mapping (populations or seasonal habitats). The BLM affirmed the presence of GRSG populations or associated sagebrush habitats with multiple data inputs (distribution maps, seasonal habitats, leks, etc.). All areas with GRSG and their habitats were determined to meet the relevance criteria.

Draft RMPA/EIS, App. 5 at 5-4. However, it is inappropriate to rely on the high-level scale of habitat mapping being used for this planning effort to designate broad areas of non-habitat as ACECs. Existing mining facilities and areas immediately adjacent to those facilities are not occupied by sage-grouse and provide minimal, if any, sage-grouse habitat. Thus, they do not meet the relevance criteria and should be excluded from proposed ACECs.

Furthermore, even if these areas satisfied the "relevance" criterion, they do not meet the importance criterion. The regulations explain that the resource identified for the relevance criterion must "have substantial significance and values. This generally requires qualities of more than local significance and special worth, consequence, meaning, distinctiveness, or cause for concern." 43 C.F.R. § 1610.7-2(a)(2). Due to the surface-

[4] The table on page 5-24 of Appendix 5 states that the Grass-Kobeh Valley ACEC is bounded on the west by Highway 395. But it is actually bounded on the west by Highway 305.

disturbance, noise, and human presence associated with mining operations, areas within and adjacent to those existing operations do not have "substantial significant and values" for sage-grouse conservation.

If BLM decides to designate any ACECs, which Barrick strongly opposes, it should exclude from that designation any important mining districts with historic mines and mineralization that supports these districts. This would include, but would not be limited to, the northern extent of the proposed Kobeh-Grass Valley ACEC, the southern extent of the proposed Owyhee West ACEC, and the entirety of the proposed South Dixie Flats ACEC.[5]

VI. BLM's Analysis of "Importance" is Legally Flawed.

As noted above, under BLM's planning regulations, to qualify as an ACEC, an area must satisfy both "relevance" and "importance" criteria.[6] *See* 43 C.F.R. § 1610.7-2(a). Since the Draft RMPA/EIS asserts that the presence of sage-grouse meets the relevance criterion across the species' entire range, BLM only analyzes the "importance" criterion for each proposed ACEC. *See* Draft RMPA/EIS at 2-117 and App. 5.

The analysis of "importance" for the proposed ACECs in Appendix 5 is insufficient for Nevada and Idaho compared to other states. For each of the other states, Appendix 5 includes a thorough discussion of each potential ACEC that evaluates three "importance" considerations, namely whether the area has:

(1) More than locally significant qualities, especially compared to any similar resource, that give it special worth, consequence, meaning, distinctiveness, or cause for concern;

(2) Qualities or circumstances that make it fragile, sensitive, rare, irreplaceable, exemplary, unique, endangered, threatened, or vulnerable to adverse change; and

(3) Been recognized as warranting protection in order to satisfy national priority concerns or to carry out the mandates of FLPMA.

Draft RMPA/EIS, App. 5 at 5-11 to 5-12, 5-16 to 5-21, 5-25 to 5-27, 5-29 to 5-47.

By contrast, the evaluation of potential ACECs in Nevada and Idaho merely lists certain characteristics of the proposed area without comparing them to the importance considerations identified for the other states. It is unclear why a detailed comparison was provided for other states but not for Nevada or Idaho. Such a disparate treatment in analysis is alone a fatal flaw for the Nevada and Idaho ACEC designations. Moreover, BLM's approach fails to demonstrate how the areas proposed as ACECs in Nevada and Idaho satisfy the importance criterion. The public (including Barrick) cannot effectively comment on the factors, boundaries, or selection of these ACECs without additional information.

In addition, BLM did not recommend proposing as ACECs a number of areas evaluated in Colorado, Montana, and Oregon. The rationale for not recommending these areas could potentially apply to potential ACECs in Nevada and Idaho, but this is impossible to determine in the absence of a robust "importance" evaluation for those states.

For example, in Colorado, the North Great Divide/Fly Creek area was not recommended as a proposed ACEC because "there are multiple points of connection cross-state between the populations and, this area is not

[5] Similarly, BLM should ensure that, if it decides to designate any portion of the proposed Kobeh-Grass Valley ACEC, such designation would not interfere with Barrick's ability to undertake the sage-grouse restoration and other conservation measures in this area that it has already been authorized to complete.

[6] By policy, BLM "must also evaluate the need for special management attention to protect relevant and important values when considering whether to designate an area as an ACEC." BLM IM 2023-013. As noted above, even if all of the proposed ACECs satisfied both the relevance and importance criteria, the significant sage-grouse conservation measures identified in the Draft RMPA are sufficient such that these areas do not need special management attention.

more than locally significant" and "this area is not unique, rare, or irreplaceable." Draft RMPA/EIS, App. 5 at 5-12. Similarly, the Ceder Creek Anticline area in Montana was not carried forward in part because, "[w]hile higher density areas and genetic connectivity are considered important to greater sage-grouse conservation, areas with similar characteristics to the Cedar Creek area are dispersed throughout the region and are not significantly unique to a specific region or planning unit." *Id*. at 5-16. And BLM did not recommend as a proposed ACEC the Upper West Little Owyhee area in Oregon, recognizing that, "[t]his potential ACEC provides important lekking, nesting, and early brood-rearing habitat for a high abundance of GRSG. However, the habitat, bird density, and connectivity to GRSG priority areas of conservation are not unique in Oregon." *Id*. at 5-33.

There is no comparable consideration in the evaluation of proposed ACECs in Nevada and Idaho whether the areas are more than locally significant or unique. In light of the widespread sage-grouse habitat in Nevada and Idaho, *see* Draft RMPA/EIS Map 2.5, it seems likely that areas similar to the proposed ACECs are dispersed throughout the region and that the proposed ACEC areas are not unique in those states. The insufficient evaluation of the importance criterion in Nevada and Idaho further justifies selection of an alternative that does not include ACECs.

VII. The Draft RMPA/EIS Imposes Disparate Impacts on Nevada/California.

The total acreage of ACECs proposed in Alternatives 3 and 6 for Nevada/California is disproportionately high compared to the other states. The total acreage proposed in Nevada/California—5,766,150 acres—is 67% more than the next closest state (Idaho with 3,438,307 acres) and over 1000% more than the state with the smallest acreage proposed to be designated (Colorado with 4,547 acres).[7] And Nevada/California have more acreage proposed to be included in ACECs in these two alternatives than all the other states combined, even though they do not have more sage-grouse habitat than all the other states combined. *See* Map 2.6. This places an inequitable and unnecessary burden on Nevada/California that is not required for the conservation of the species and provides further justification for not designating any ACECs in this planning effort, in addition to the economic impacts to Nevada and Nevada mine operators, outlined in Section IV.A above.

VIII. BLM May Not Base Its Decision on Unavailable Information.

BLM's evaluation of potential ACECs refers to information that is not currently publicly available. For instance, in the discussion of proposed ACECs for Nevada/California in Appendix 5, BLM indicates that it "will update the ACEC evaluations, including potentially revising potential ACEC boundaries, based on input from the Cooperating Agencies, public, and ***other new information (e.g., Coates et al., 2024 – in review)*** and incorporating the updated areas in the Final EIS." Draft RMPA/EIS, App. 5 at 5-22 (emphasis added). This suggests that BLM intends to use forthcoming information, not currently available to the public, to revise the ACECs. The agency's use of this unavailable information violates both the Administrative Procedures Act and NEPA.

Similarly, BLM states that for Nevada/California, "[t]he following datasets were used to help delineate the draft ACECs . . . Local scale data: Draft NV/CA Habitat Management Area Map (USGS in preparation)." It is not appropriate for BLM to propose ACECs based on scientific research that is still in preparation, has not been peer reviewed, and is not available for public comment. The inability of the public to meaningfully comment on the basis for these ACECs provides further justification for BLM to refrain from designating any such areas. At minimum, BLM must delay this planning process until that information can be made available to the public and the final studies fully incorporated into the Draft RMPA/EIS.

[7] No additional acres are proposed for ACEC designation in Oregon as part of this planning effort beyond what was already designated in the 2015 and 2019 planning efforts. *See* Draft RMPA/EIS at 2-118.

IX. The BLM Must Develop a Supplemental DEIS because the Final Public Lands Rule Has Been Released.

The Public Lands Rule contains significant new language concerning ACECs and their designations. *See* 89 Fed. Reg. 40308 (May 9, 2024). BLM took the position during the virtual and in-person public meetings that it could not include impacts of the Public Lands Rule in its analysis because the Public Lands Rule was not final when it published the Draft RMPA/EIS. Now that the Public Lands Rule is final, the change in the regulatory scheme constitutes new circumstances relevant to environmental concerns and bearing on the proposed resource management plan amendments and its impacts, which will result in significant environmental impacts not evaluated in the EIS. *See* 40 C.F.R. § 1502.9(d). BLM must analyze how changes to ACECs in the Public Lands Rule will impact the ACECs identified in the Draft RMPA/EIS, particularly the cumulative impacts of designating more ACECs through the Public Lands Rule and this Draft RMPA/EIS on industries that will be impacted by those ACEC designations, including mining, grazing, and energy transmission. BLM's planning and rulemaking efforts cannot each be viewed in a vacuum where, stacked atop each other, they will have significant impacts on BLM's ability to comply with its multiple-use mandate.

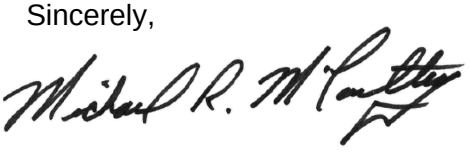
X. Conclusion

Barrick agrees with BLM's preference to not designate ACECs for sage-grouse protection as indicated by selection of Alternative 5 as the preferred alternative, which does not contain ACEC designations. Barrick strongly encourages BLM to maintain this position in its final rulemaking. Designation of ACECs in this planning effort would be contrary to the mandates of FLPMA, inconsistent with existing guidance and regulation, and unwarranted as it does not further the BLM's stated goals of habitat preservation for the species. Further, BLM must prepare a supplemental DEIS to analyze the Public Lands Rule's interplay with this Draft RMPA/EIS before finalizing. The negative consequences of undertaking a range-wide planning effort instead of focusing on local and site-specific improvements to the resource management plans is particularly evident from the proposed designation of ACECs in Alternatives 3 and 6, and this planning effort can only be successful if BLM fully engages with its local partners and land users that will be substantially impacted by the choices it makes here. In the absence of that engagement, BLM cannot proceed with the Draft RMPA/EIS as currently presented.

As noted above, Barrick will be outlining its numerous other concerns with BLM's Draft RMPA/EIS in a separate comment letter before the close of the comment period on the larger planning effort.

If you have any questions about these comments, please feel free to contact me at (801) 990-4806.

Sincerely,



Michael McCarthy
Barrick Gold of North America, Inc.
Nevada Gold Mines LLC

Thank you for your attention!

Sage-Grouse conservation.

Dear Utah State BLM,

I'm expressing to you my concerns of pecies decline of the Greater Sage Grouse. I care! I would like measures to take place that this species. I support the designation of a range wide network of ACES that protect places that are biologically important for Sage-Grouse conservation.

Thankyou, Laura Carter

Laura Carter
822 24 Rd
G.J. Co 81505

GRAND JUNCTION CO 815
MAY 2024 PM 1 T

BLM Utah State Office
ATTN: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84101

American Exploration & Mining Association
EST. 1895

16201 E. Indiana Ave., Suite 3280
Spokane Valley, WA 99216
(509)624-1158 - www.miningamerica.org

June 13, 2024

VIA BLM ePlanning Website: https://eplanning.blm.gov/eplanning-ui/project/2016719/510

ATTN: HQ GRSG RMPA
Bureau of Land Management
Utah State Office
440 West 200 South #500
Salt Lake City, UT 84101

RE: Notice of Availability of the Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning 89 Fed. Reg. 18963 (March 14, 2024)

Dear Pat Diebert:

The following comments are submitted on behalf of the American Exploration & Mining Association (AEMA) and its members regarding the above-referenced Notice of Availability. AEMA appreciates the opportunity to provide the following comments.

STATEMENT OF INTEREST

AEMA is a 129-year-old, 1,800-member national trade association representing the minerals industry with members residing in 46 U.S. states, seven Canadian provinces or territories and ten other countries. AEMA is the recognized national voice for exploration, the junior mining sector, and maintaining access to public lands, and our members engage in all aspects of the mining life cycle, from exploration to reclamation and closure, which includes promoting the discovery, development, and extraction of mineral resources through economically and environmentally responsible methods. In addition, more than 80% of our members are small businesses or work for small businesses.

AEMA has been involved with the greater sage grouse (GSG) planning process since 2012. AEMA's members engage in mining activities on U.S. Forest Service (USFS) and Bureau of Land Management (BLM)-administered lands currently managed under the 2015 Amendments in the following western states covered by the environmental impact statement (EIS) documents and Land Use Plan Amendments (LUPAs): California, Colorado, Idaho, Montana, Nevada, North Dakota, Utah, and Wyoming. Therefore, our members would be directly impacted by proposed conservation measures to protect the GSG and its habitat. We incorporate by reference

as though fully set out herein our 30 previous comments and protests. AEMA also fully endorses and incorporates herein by reference the comments of the National Mining Association and the Women's Mining Coalition.

AEMA provided scoping comments in response to the call for public comment in conjunction with the release of the Notice of Intent to *Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statements,* 86 Fed. Reg 66,331 (November 22, 2021). During the scoping period AEMA identified several procedural and legal shortcomings including those associated with:

- The General Mining Act of 1872, (30 U.S.C. §§ 22-24, 26-30, 33-35, 37, 39-43, 47 (2000)
- Mining and Minerals Policy Act (30 U.S.C. §21a);
- Federal Land Policy and Management Act of 1976 (43 U.S.C 1701 *et seq*., "FLPMA");
- National Environmental Policy Act (42 U.S.C. § 4321 *et seq*., "NEPA");

AEMA appreciates the BLM's effort to update the 2015 Amendments with current data, and to incorporate "lessons learned." However, AEMA's members' patented and unpatented mining claims, future plans to enter, explore, and locate mining claims, and current and future mining operations on these federal lands remain adversely affected under each of the alternatives. This is because the action alternatives analyzed in the Draft LUPA/EIS contain provisions including several restrictions on mineral exploration and development, that violate, *inter alia*, the Mining Law, Mining and Minerals Policy Act, the Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. §§ 1601 – 1605), Multiple Use and Sustained Yield Act of 1960 (16 U.S.C. § 528, MUSYA), FLPMA, and NEPA. These unlawful and unnecessary provisions include but are not limited to, lek buffer distances, disturbance/density caps, seasonal timing restrictions, right of way (ROW) restrictions, compensatory mitigation and travel restrictions. Significant aspects of the Draft LUPA/EIS must clarify that BLM's authority over locatable minerals is non-discretionary because it is limited to the provisions found under the Mining Law and FLPMA. Explicit clarifications regarding the management of locatable minerals are necessary for the regulated community and future administrations to minimize the potential for future confusion, permitting delays, and litigation. Therefore, it is in the mutual best interest of the mining industry, the public, and BLM to make the requested clarifications described below.

General Comments

1. *Lek Definitions*

Under the proposed action alternatives (3 through 6) BLM proposes to adopt the Western Association of Fish and Wildlife Agencies' (WAFWA) definition of an "active lek" which extends the identification of an active lek to those in which two or more males attended in the

previous 10 years.[1] The effect of this change increases the acreage considered to be priority habitat with more restrictive management and ignores variations in subpopulations and local habitat conditions, justifying different definitions across the range. While in the 2015 amendment the definition of a lek varied, with some states using a 10-year cycle, BLM has not explained what the scientific basis is for extending the temporal component from 5-years to 10-years broadly. In reviewing Cook *et. al.* 2022, the source cited by BLM, no data or discussion is provided supporting a change in the definition to increase from 5-years to 10-years. Rather, it is an arbitrary number adopted by the authors in order to capture more leks which would not otherwise be "protected."

Additionally, BLM has adopted the term "pending active" which by definition includes leks where at least two males had been observed strutting in the last 10-years and at least one observation of males anytime within the previous 10-years, which could result in a lek being buffered for 20 years despite little to no attendance. AEMA contends this is wholly inappropriate and arbitrarily extends buffers to leks that may have only occasional use by GSG.

2. *Habitat Management Areas (HMAs)*

In preparing the Draft LUPA/EIS the BLM relied upon preliminary USGS data to delineate the HMAs in Nevada and California. The preliminary acreages used in the Draft RMPA/EIS established the basis for the NEPA analysis. The identification of HMAs as priority or general habitat impacts the management and therefore the restrictions on those lands. This in turn impacts the quality and accuracy of the NEPA impact analysis.

The final HMA delineations for the states of Nevada and California were made available on March 22, 2024 and BLM's HMA analysis, based on this data, was uploaded to the project page on May 24, 2024. BLM's updated analysis substantially changes the proposed management in these states, and the public have been given less than three weeks to consider this new information. When a key piece of information comes late in the process it thwarts the mandatory "meaningfulness" of the NEPA process. *See* 40 C.F.R. § 1506.6(b) Federal government shall "[p]rovide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform *those persons and BLM who may be interested or affected*" by proposed actions of the United States (emphasis added)." This is especially pertinent as it relates to the updated Nevada-California BLM Greater sage grouse habitat considerations. Further, BLM did not notify the public of the updated HMA analysis, only those going to the project page may have noticed after scrolling down the majority of the page.

Additionally, non-habitat, existing habitat, and potential habitat are discussed throughout the document as it relates to the types of management or processes that would take place in allocating major uses. However, none of these subcategories of habitat are defined in the glossary despite the fact that the document directs the reader to see the definitions in the

[1] Cook, A. A., P. A. Deibert, S. P. Espinosa, A. Moser, L. Schreiber, and M. A. Schroeder. 2022. Greater Sage-grouse Range-wide Population Monitoring Guidelines Part A: Standards for Collection and Reporting of Greater Sage-grouse Lek Count Data. WAFWA Sage- and Columbian Sharp-tailed Grouse Technical Team, Boise, Idaho (WAFWA Lek Reporting).

glossary. Without defining these habitats, it makes it difficult if not impossible to fully understand the impacts of the restrictions to the regulated community, especially considering the number of sideboards applied to "non-habitat." *See* Draft LUPA/EIS at 2-19 to 2-20.

For these reasons BLM must prepare a supplementary Draft EIS considering the impacts resulting from the changes in habitat designation, which are likely to adversely impact the regulated community, and then provide opportunity for the public to comment on the updated NEPA analysis.

3. *Habitat Assessment Framework (HAF)*

Under the current planning process BLM proposes to shift its adaptive management thresholds from the biologically significant unit (BSU) scale to the HAF-fine scale. The adoption of a single adaptive management framework will have multiple and overlapping effects on resource uses. Many regions may be immediately impacted by new disturbance caps or adaptive management thresholds, but BLM does not even specify how close any of the areas are to exceedance or triggers under its new proposed framework. These potential impacts must be analyzed and disclosed for each alternative and for each resource topic in each local unit.

Additionally, BLM fails to explain how it delineated the HAF fine and mid-scale units, and the Habitat Assessment Framework Technical Reference (TR2710-1) (Stiver et al., 2015) does not clearly describe how to undertake this process. How these areas are drawn will have significant impacts on proposed and existing development; further information on how the HAF fine and mid-scale units were developed is necessary to provide meaningful comment on the process. The BLM must describe how these areas were delineated and give the public an opportunity to comment on its methodology.

4. *Internal Inconsistencies*

The Draft LUPA/EIS is riddled with internal inconsistencies, especially as to what issues it purports to carry forward into the analysis. With respect to locatable minerals the Draft LUPA/EIS summary table (Table 2-3) states that locatable minerals management would be the same under Alternative 5 as Alternative 4 in Priority Habitat Management Areas (PHMA), and same as Alternative 1 in General Habitat Management Areas (GHMA). *See* Draft LUPA/EIS at 2-16, 2-18, 2-164. But the Table is blank for locatable minerals for Alternative 4 except for identifying one area in Montana that is already withdrawn. *See* Draft LUPA/EIS at 2-16. Then later in the Draft EIS BLM attempts to clarify this inconsistency by stating that Alternative 4 would "not recommend any areas for withdrawal from mineral entry." *See* Draft RMPA/EIS 4-110.

The mapping data published by BLM is inconsistent with the corresponding text and discussion in the Draft EIS. Most concerning of these errors is a map layer in Alternatives 4 and 5 that indicates recommendation for the withdrawal of significant portions of the planning area from entry and location under the mining laws. However, the text of the Draft LUPA/EIS, explains that Alternatives 4 and 5 "would not designate any SFAs and would not recommend any areas for withdrawal from mineral entry." *See* Draft LUPA/EIS, at 4-110. Similarly, the Alternative 5

and 6 maps show "recommended withdrawals" in small areas of northeast Montana, central and southern Idaho, northern Nevada, and central Wyoming. *See* Draft RMPA/EIS App'x 1, Maps 2.35a, 2.36a, 2.37a. No narrative explanation in the Draft LUPA/EIS is given for these inconsistencies. The mapping data also includes ACEC layers in Alternatives 4 and 5, which again, is contrary to the corresponding text and discussion for these alternatives, as only Alternatives 3 and 6 propose ACECs.

Additionally, BLM states that "changes to existing wildland [fire] and invasive species management will not be considered." Draft LUPA/EIS at 1-10. Yet, later in the Draft EIS, BLM specifically proposes updates to Fire and Vegetation Actions in the Nevada/Northeastern California RMP. *Id.* at 2-169. BLM also states that compensatory mitigation must be completed prior to initiating the activity causing the need for compensation under Alternatives 3 through 6, *Id.* at 2-22, but the disturbance cap summary table (Table 2-7) states that mitigation under Alternatives 5 and 6 would not need to be functioning prior to the new disturbance. *Id.* at 2-34 through 2-36. These are two very different requirements. Additionally, BLM states that "[u]nder Alternative 3, all PHMA would be managed as ACECs" *Id*. at 4-25, which is inconsistent with the rest of the document's text and mapping – if this is not an error, BLM's analysis is completely deficient.

The result of the numerous inconsistencies and errors makes it difficult to understand what BLM is proposing under the alternatives and is a fatal flaw which can only be rectified by issuing a supplemental Draft LUPA/EIS because it lacks the level of clarity required under NEPA. NEPA requires that the public be adequately informed about what the proposals under consideration are. NEPA's "understandability" requirement, as interpretated by the Ninth Circuit Court of Appeals, demands that "an EIS must be organized and written so as to be readily understandable by governmental decisionmakers and by interested non-professional laypersons likely to be affected by actions taken under the EIS." *Or. Envtl. Council v. Kunzman*, 817 F.2d 484, 493 (9th Cir. 1987). "[T]he EIS's form, content and preparation [must] foster both informed decision-making and informed public participation." *Id.* at 492; *see also Colorado Envtl. Coal. v. Dombeck*, 185 F.3d 1162, 1172 (10th Cir. 1999).

BLM Must Ensure Compliance with the General Mining Act of 1872

The General Mining Act of 1872, (Mining Law) Ch. 152, 17 Stat. 91 (codified as amended at 30 U.S.C. §§ 22-24, 26-30, 33-35, 37, 39-43, 47 (2000)), has, for more than a century and half, recognized claims based on individual actions appropriating hard rock minerals from Federal lands.

The Mining Law invites citizens to locate mining claims on public lands open to location by declaring that "all valuable mineral deposits in lands belonging to the United States . . . shall be free and open to exploration and purchase . . . ." 30 U.S.C. § 22. This statutory command grants a valid existing right to all United States citizens to use lands open to mineral entry, with or without a mining claim, for all uses and purposes reasonably incidental to prospecting, mining and processing, including rights of ingress and egress.

Stated generally, the Mining Law authorizes and governs prospecting, exploration, development and mining for minerals on Federal public lands. It was designed to encourage individuals to prospect, explore and develop the mineral resources of the public domain through an assurance of exclusive possession of the developed minerals. *United States v. Shumway*, 199 F.3d 1093, 1098-99 (9th Cir. 1999) ("The miners' custom, that the finder of valuable minerals on government land is entitled to exclusive possession of the land for purposes of mining and to all the minerals he extracts, has been a powerful engine driving exploration and extraction of valuable minerals . . . .").

Mining claim location is a self-initiated act that *does not* require approval of the United States to establish property rights. When a mining claimant properly locates a mining claim, the claimant acquires a "unique form of property." *Best v. Humboldt Placer Mining Co.*, 371 U.S. 334, 335 (1963). This unique property interest includes the right to use so much of the surface as is reasonably necessary to develop the discovered valuable mineral deposit and the right to extract all valuable locatable minerals. Accordingly, the Mining Law provides mining claimants with considerable rights to conduct operations to extract minerals from public lands. These rights are subject to the mandate under FLPMA § 1732(b) that all activities on public lands must prevent unnecessary or undue degradation as discussed below.

Under the Mining Law, all U.S. citizens have the right to enter public lands open to mineral entry and locate mining claims or mill site claims. *Independence Mining Co. v. Babbitt*, 105 F.3d 502, 506 (9th Cir. 1997). Once a claim is staked, the holder "has the exclusive right to possession and enjoyment of all the surface included within the lines of the locations, but the United States retains title to the land." *Id*. Moreover, "[i]f a discovery of a 'valuable mineral deposit' is made, the claim can be held indefinitely so long as the annual assessment work is performed, the necessary filings are made, fees are paid, and a valuable mineral deposit continues to exist." *Id.*at 507.

It is well established that "[t]he owner of a mining claim owns property and is not a mere social guest of the Department of the Interior to be shooed out the door when the Department chooses." *United States v. Shumway*, 199 F.3d1093, 1103 (9th Cir. 1999); *accord United States v. Locke*, 471 U.S. 84, 86 (1985) ("[A]n unpatented mining claim remains a fully recognized possessory interest."). In other words, a mining claim alone implicates significant rights.

Furthermore, FLPMA expressly provides that none of its land use planning provisions, among others "*shall in any way amend the Mining Law of 1872 or impair the rights of any locators or claims under that Act, including, but not limited to, rights of ingress and egress*" (43 U.S.C. § 1732(b), emphasis added). The House Committee on Interior and Insular Affairs described this provision more particularly when it stated:

> This section specifies that no provision of the Mining Law of 1872 will be amended or altered by this legislation except as provided in Section 207 (recordation of mining claims), Subsection 401(f) (regulation of mining in the California desert), Section 311 (wilderness review areas and wilderness areas), and except for the fact that the Secretary of the Interior is given specific authority, by

> regulation or otherwise, to provide that prospecting and mining under the mining law will not result in unnecessary or undue degradation of the public lands. The secretary is granted general authority to prevent such degradation. H.R. Rep. No. 94 1163 at 6 (1976).

The last sentence of 43 U.S.C. § 1732(b) provides that BLM shall "take any action necessary to prevent unnecessary or undue degradation of the lands." *Id.; see* 43 C.F.R. § 3809.5 (defining "unnecessary or undue degradation").[2] Thus, in passing FLPMA, Congress granted BLM only limited authority to infringe on the rights granted by the Mining Law. As relevant here, that authority is limited to "prevent[ing] unnecessary or undue degradation." 43 U.S.C. §1732(b).

Throughout AEMA's involvement in the GSG planning process we have repeatedly highlighted that the numerous restrictions imposed on surface-disturbing activities, the limitation on mineral exploration and development in the future are unlawful under a variety of land use statutes.

1. *Land Use Restrictions Cannot Materially Impair Claimants' Mining Law Rights*

In our scoping comments AEMA informed BLM that the land use restrictions in the amended LUPAs cannot substantially interfere with mining claimants' rights pursuant to the Mining Law (20 U.S.C. § 21a *et seq.* as amended) and FLPMA §302(b) to explore and develop its mining claims or to enter and occupy public lands for mining purposes.

As previously discussed, the Mining Law authorizes and governs the exploration, discovery and development of valuable minerals, and allows citizens of the United States the opportunity to enter, use and occupy public lands open to location to explore for, discover, and develop certain valuable mineral deposits. 30 U.S.C. §22. "Except as otherwise provided, all valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, shall be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase..." (*Id.*). 30 U.S.C. Section 22 ensures pre-discovery access, use, and occupancy rights to enter lands open to location for mineral exploration and development. Prohibiting or restricting mineral exploration and development on lands co-located with GSG habitat, like those associated with buffers, disturbance/density caps, compensatory mitigation, ROW exclusion/avoidance restrictions, and travel restrictions is contrary to the rights granted by Section 22 of the Mining Law. To that end, BLM must clarify that certain restrictions such as surface use restrictions and compensatory mitigation do not apply to locatable minerals.

AEMA recognizes that BLM has made some clarifications regarding its authority over operators exercising their rights under the Mining Law. Specifically, BLM has noted that

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[2]Unnecessary or undue degradation" means "conditions, activities, or practices that: (1) Fail to comply with one or more of the following: the performance standards in§ 3809.420, the terms and conditions of an approved plan of operations, operations described in a complete notice, and other Federal and state laws related to environmental protection and protection of cultural resources

disturbance/density caps cannot "prevent, unduly restrict, or require operations to perform compensatory mitigation in areas where the disturbance cap was exceeded." Draft LUPA/EIS at 4-107, Alternative 3. However, this language is not consistently incorporated throughout the Draft LUPA/EIS or across the Alternatives. To be clear, restrictions associated with ROW exclusion/avoidance areas, adaptive management, mitigation, lek buffers, and travel and transportation restrictions do not apply to locatable mineral exploration and development operations which are non-discretionary activities. BLM's discretionary authority to regulate locatable mineral operations is limited to preventing unnecessary or undue degradation. *See* 43 U.S.C. §1732(b). BLM cannot include restrictions, including but not limited to those listed above, that interfere with mineral exploration, mining operations or expansions, and the exercise of Section 22 rights.

AEMA recommends that BLM in this planning process make clear that under all the action alternatives the restrictions cited above do not apply to locatable minerals. BLM's discretionary authority to regulate locatable mineral operations is limited to preventing unnecessary or undue degradation. *See* 43 U.S.C. §1732(b).

2. *Travel and Transportation Restrictions*

Travel and transportation restrictions carry over from the 2015 Amendments for all the alternatives. The restrictions on motorized travel have and will continue to have an adverse effect on the hardrock mining industry and interfere with exploration and development of mineral resources on these lands. Limiting access to public lands to existing or designated routes will make exploration and development of some mineral deposits impossible. Maintaining lands available for mineral entry is a hollow gesture if the lands are inaccessible or surrounded by lands on which infrastructure, such as roads, cannot be located.

These travel and transportation management restrictions are unlawful because they conflict with the rights granted by Section 22 of the Mining Law and 30 U.S.C. 612(b) (Surface Use Act), which guarantee the right to use and occupy federal lands open to mineral entry, *with or without a mining claim*, for prospecting, mining and processing and all uses reasonably incident thereto, including but not limited to ancillary use rights, and rights of and associated with ingress and egress. It must be noted that 43 U.S.C.§1732(b) expressly preserves Mining Law § 22 rights of ingress and egress.

BLM must ensure access to mineral exploration and development as discussed. By closing routes, including primitive roads and trails not designated in a travel management plan, BLM will interfere with potential access to minerals which is contrary to Section 22 of the Mining Law and 30 U.S.C. 612(b) (Surface Use Act).

Similarly, BLM's proposal to authorize new roads only for administrative access, public safety or access to valid existing rights does not go far enough to clarify the broad Mining law rights of access, use and occupancy associated with unpatented mining claims prior to discovery, and unclaimed lands open to mineral entry for prospecting, mining and processing and all uses reasonably incident thereto, including but not limited to ancillary use rights, and ingress and egress rights.

Further, a primary objective of the travel and transportation management program is to ensure access needs are balanced with resource management goals and objectives in resource management plans (BLM Manual 1626 at .06). However, BLM has not balanced access needs associated with minerals, or any other use, and instead places a preference on aesthetic values and protection of GSG habitat areas.

3. *ROW Exclusion and Avoidance Areas*

Under all the alternatives some level of ROW exclusion and/or avoidance is described in PHMA and GHMA. If public lands needed for ROWs for roads, power lines, pipelines, etc. are no longer available for development, the unpatented mining claims, patented claims, fee lands, and associated private property rights could be rendered worthless which could subject the federal government to a Fifth Amendment Takings claim. To that end, BLM's management actions, if implemented may have the potential to interfere with the access, use and occupancy of lands open to location for mineral purposes, which are rights granted under the Mining Law and Surface Use Act. 30 U.S.C. §§ 22 and 612(b). These rights apply both to unpatented mining claims prior to discovery and to unclaimed lands open to mineral entry, *independent of the discovery status of these lands*.

AEMA recognizes that BLM proposes to limit the application of these management actions subject to valid existing rights (VERs), however this proposal is in fact a restriction, not a verification of rights to use land for mineral purposes under the Mining Law and Surface Use Act (discussed in detail below), and as such does not comply with FLPMA, the Mining Law or the Surface Use Act.

Limiting approval of ROWs to existing corridors or VERs could make exploration and development of a claim prior to discovery impossible. Access roads, water supply pipelines, and power or utility services are necessary to develop a mine. Unless a claim is located adjacent to or is relatively close to a utility corridor these restrictions could preclude development of minerals. Again, BLM's proposal to honor VERs in the context of the ROW restrictions does not adequately clarify pre-discovery access to public lands. Maintaining lands "available" for mineral entry is disingenuous if the claims cannot be developed because they are inaccessible or surrounded by lands on which infrastructure cannot be located.

These ROW restrictions are unlawful because they conflict with the rights granted by Section 22 of the Mining Law and 30 U.S.C. 612(b) (Surface Use Act), which guarantee the right to use and occupy federal lands open to mineral entry, with or without a mining claim, for prospecting, mining and processing and all uses reasonably incident thereto, including but not limited to ancillary use rights, and rights of and associated with ingress and egress.

BLM must evaluate the substantially adverse consequences of making it impossible to explore and develop pre-discovery unpatented mining claims, and lands that are currently open to location on which there are no unpatented mining claims.

4. *Compensatory Mitigation*

AEMA recognizes that BLM provides an exception to compensatory mitigation for activities conducted under the Mining Law for Alternatives 3-6. *See* table 2-5 at 2-23. However, in the subsequent section of Table 2-5 at 2-24, where BLM is authorizing actions that result in habitat loss or degradation, the same exception is not provided. As previously discussed, the Mining Law allows citizens of the United States the opportunity to enter, use and occupy public lands open to location to explore for, discover, and develop certain valuable mineral deposits. 30 U.S.C. §22, emphasis added, and is only restricted by the FLPMA mandate to prevent unnecessary and undue degradation of public lands. BLM must also clearly and consistently recognize that habitat restoration as described in Table 2-6 is not required for activities conducted under the Mining Law.

Additionally, under Alternatives 3-6, compensatory mitigation must be completed prior to a disturbance activity. Draft LUPA/EIS at 2-22 to 2-23. This requirement could unnecessarily delay potential projects and interfere with the rights provided and preserved under the Mining Law and FLPMA. BLM must clarify that compensatory mitigation is not required for activities undertaken pursuant the Mining Law, including those activities incidental to activities pursuant the Mining Law such as ROW development. Moreover, BLM's requirement that compensatory mitigation occur *prior to* surface disturbing activities conflicts with its own definition of mitigation at 43 CFR 1508.20 and is inconsistent with language found in the glossary of the Draft LUPA/EIS at G-5 and G-6, specifically regarding rectifying the impact by repairing, rehabilitating, or restoring the affected environment and reducing or eliminating the impact *over tim*e by preservation and maintenance operations during the life of the action.

Additionally, under the action alternatives BLM is proposing to require that "[c]ompensatory mitigation should … be prioritized to occur within the same area of the impact (within the same HAF fine-scale area, or if not possible, within the same neighborhood cluster or HAF mid-scale area where practicable) so that it provides habitat for GRSG populations affected by the project." Draft LUPA/EIS at 2-22. This requirement is impractical and unworkable.

Unfortunately, BLM overlooks the fact that land available for mitigation activities may not be available near (i.e., within the same HAF fine-scale, neighborhood cluster, or HAF mid-scale) disturbance projects. As an example, in Nevada, there are very few areas where landownership and habitat conditions align to enable credit work to be performed. Due to the vast amount of federally managed public land in Nevada, paired with mixed-ownership limitations in historic checkerboard areas, the Nevada SETT already struggles to find suitable habitat for conservation credit system (CCS) projects. Accordingly, there is significant demand for the limited supply of credits available in the system and competition for credits drives up their price. If BLM were to implement this requirement, at some point there simply would not be suitable private land close enough to project disturbance to even generate credits.

This proximity requirement also conflicts with BLM's Mitigation Handbook H-1794-1 (as reinstated by Instruction Memorandum 2021-046), which states that:

> The BLM should identify a compensatory mitigation site without implying a preference for siting it closer to or farther from the impacted site, as long as a reasonable relationship is maintained between the impacts of the public land use and the compensatory mitigation measure(s) being implemented at that site …
>
> The maximum benefit to the impacted resource might be achieved at a compensatory mitigation site either geographically close or geographically far from the impacted site, so long as the mitigation at that site has a reasonable relationship to benefiting the public land resources where the resource impact is expected to occur or is occurring. The site that provides the maximum benefit to the public land resources does not need to be near the site where the resource impact occurred.

BLM Mitigation Handbook H-1794-1 (2016) at 1-4, 2-17. AEMA recommends removing the mitigation proximity requirement in order to comply with its own mitigation policy and allow for more robust mitigation systems, like Nevada's "habitat quantification tool."

5. *Valid Existing Rights*

Throughout the Draft LUPA/EIS BLM reference the term "valid existing rights" (VERs) with the implication that the impact of these restrictions would be mitigated because these rights would be protected.

AEMA cautions the use of this term as it applies to locatable minerals, because for locatable minerals the term "valid existing right," is a specific term that is frequently conflated with claims where a "discovery" of a valuable mineral deposit has been made, which are known as "valid claims." VERs and valid claims are not synonymous. Although all valid claims are VERs, VERs are not restricted to valid claims because the Mining law confers property rights as discussed above on all mining claims regardless of a claim's discovery status.

Therefore, the proposal to honor VERs fails to clearly articulate that the Mining Law rights associated with claims both prior to and after a discovery of a valuable mineral deposit are VERs. This is especially true in light of the problematic definition of that term in the 2015 ARMPAs,[3] *See* Draft LUPA/EIS at 1-7 (one of BLM's planning criteria was to "recognize valid existing rights"), and which is carried forward in the 2024 Draft LUPA. *Id.* at G-8. During exploration few mining claims can withstand the rigorous economic evaluation required by a claim validity examination (validity exam) to which they would be subjected as a result of this constraint.

[3] The 2015 NV/CA ARMPA defines "Valid existing rights" as "Documented legal rights or r interests in the land that allow a person or entity to use said land for a specific purpose and that are still in effect. Such rights include fee title ownership, mineral rights, rights-of-way, easements, permits, and licenses. Such rights may have been reserved, acquired, leased, granted, permitted, or otherwise authorized over time."

Validity exams are used to determine whether a claim has a discovery of a valuable mineral deposit that the federal government must exclude from the various restrictions, prohibitions and withdrawals and to establish a compensatory right in certain circumstances. Thus, the many references to VERs in the Draft LUPA/EIS could cause confusion as it relates to the management of locatable minerals because they create the false impression that the rights of mining claimants with claims without a discovery of a valuable mineral deposit in areas subject to restrictions, prohibitions, withdrawals and *de facto* withdrawals from future mineral entry would be respected and that claimants could continue to explore and develop their claims.

Again, BLM must clarify its authority over locatable minerals as limited to what is authorized under the mining laws and FLPMA.

BLM Must Ensure Compliance with FLPMA and MUSYA

FLPMA expressly provides that none of its land use planning provisions, among others "*shall in any way amend the Mining Law of 1872 or impair the rights of any locators or claims under that Act, including, but not limited to, rights of ingress and egress*" 43 U.S.C. § 1732(b), emphasis added. Similarly, Section 528 of MUSYA provides "*[n]othing herein shall be construed so as to affect the use or administration of the mineral resources of national forest lands...*"

In enacting FLPMA in 1976, Congress directed the Secretary of the Interior to consider a broad range of resource issues, land characteristics, and public needs and values in determining how public lands should be managed. FLPMA directs BLM to manage public lands for multiple uses and to consider a wide range of resource values – including the need to protect wildlife and quality of habitat – in the context of the Nation's needs for minerals, energy, food, fiber, and other natural resources. Section 102(a)(8) requires BLM to manage the public lands in a "manner that will protect the quality of scientific, scenic historical, ecological, environmental…values." U.S.C. 1701(a)(8).

Section 102(a)(7) establishes multiple use and sustained yield land management directives and requires the Secretary to develop "goals and objectives [that are] established by law as guidelines for public land use planning, and that management be on the basis of multiple use and sustained yield unless otherwise specified by law." U.S.C. §1701(a)(7). In defining the term "multiple use" FLPMA § 103(c) directs the Secretary to ensure:

> the management of the public lands and their various resource values so that they are *utilized in the combination* that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources…to conform to changing needs and conditions; the use of some land for less than all of the resources; *a combination* of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation,

> range, timber, *minerals*, watershed, *wildlife* and fish, and natural scenic, scientific and historical values.

43 U.S.C § 1702(c), emphasis added. Multiple-use and sustained yield require the Secretary to manage public lands to balance the various resources on public lands to best meet the present and future needs of the American people in a manner that recognizes the Nation's need for domestic sources of minerals including implementation of the Mining and Minerals Policy Act as it pertains to public lands. 43 U.S.C. §1701(a)(12). This balancing requirement puts wildlife and minerals (as well as the other listed resource values) on equal footing.

Many of the FLPMA§ 202 land use planning requirements contain explicit provisions to ensure that the Secretary's land use plans achieve an appropriate balance of resource values consistent with FLPMA's multiple-use and sustained yield mandate.

The proposed alternatives (discussed in detail below) fail to comply with FLPMA's multiple use and sustained yield mandate under § 102(a)(7), and in the land use planning title of FLPMA at § 202(c)(1), and the directive under § 102(a)(12), to recognize the Nation's need for domestic sources of minerals. Further, the multiple and cumulative restrictions on surface use including: travel and transportation restrictions, allowable surface disturbance, ROW restrictions, and the constraint related to VERs creates widespread, and cumulative *de facto* withdrawals across the entire planning, which violates the multiple-use mandates under FLPMA § 102(a)(7), and the directive under § 1732(b) and §528 of MUSYA, that clearly establishes that FLPMA does not "amend the Mining Law of 1872 or impair the rights of any locators or claims under that Act, including but not limited to, rights of ingress and egress.

1. *Withdrawals*

Under Alternative 1, SFAs would continue to be recommended for withdrawal from mineral entry, while under Alternative 3 all PHMA would be recommended for withdrawal, totaling 69,199,000 acres. Withdrawals of the magnitude proposed under Alternatives 1 and 3 not only conflict with § 22 of the Mining Law, and the Mining and Minerals Policy Act; but the BLM's multiple use mandate under FLPMA and MUSYA.

AEMA contends that Alternatives 1 and 3 fail to recognize the Nation's need for domestic mineral sources, are overly restrictive, unreasonable and contrary to law and other BLM policy. AEMA also contends that Alternatives 1 and 3 are inconsistent with BLM policy on land withdrawals - that except for congressional withdrawals and withdrawals made pursuant to FLPMA § 204(c) for a period not to exceed 20 years, the public lands should remain open and available unless doing otherwise is clearly in the National interest.

In response BLM must prepare a Supplemental Draft EIS and a revised LUPA that comply with the FLPMA mandate to balance a wide range of resource values and uses of public lands including the reference to the Mining and Minerals Policy Act (30 U.S.C. § 21(a)) at 43 U.S.C. § 1701(a)(12), and to recognize the Nation's need for domestic sources of minerals. BLM must also preserve the rights of ingress and egress to locators and claims under § 1732(b).

2. *ACEC Designation*

The BLM's proposal to designate ACECs under Alternatives 3 and 6 is unwarranted and contrary to applicable regulation and guidance. The use of ACECs proposed under Alternatives 3 and 6 is contrary to BLM's multiple-use mandate and impedes development activities (including mining) on public lands. Neither of these alternatives are viable alternatives because they exceed BLM's statutory and regulatory authority with respect to this resource management planning effort.

Additionally, unlike other land-management designations, ACECs do not have uniform management practices that apply to all ACEC-designated land. Because not all ACECs are eligible for the same reasons, they cannot be managed in the same way. Instead, they must be considered individually and managed with local input. Further, the areas proposed for designation as ACECs under Alternatives 3 and 6 do not need additional management attention through ACEC designation because of the numerous management actions such as, but not limited to, buffers and disturbance caps that would already be in place. This is especially true where the proposed management of those ACECs would not address the top threats to habitat - fire and invasive species.

Lacking causal connection between the proposed ACECs to management strategies that would actually address species threats, the proposed ACEC management under Alternatives 3 and 6 is otherwise unduly restrictive and inconsistent with BLM's multiple-use mandate. Moreover, it is unclear how the proposed ACECs in Nevada and Idaho satisfy the "importance" criterion to qualify as an ACEC. Additionally, some proposed ACECs that overlap or are adjacent to existing development, including mining facilities, also fail to satisfy the "relevance" criterion. In fact, two of the proposed ACECs in Nevada are situated directly on top of large and active mining operations and complexes. Contrary to BLM guidance, BLM did not actively seek input on the relevance and importance criteria from stakeholders during the development of these ACECs, and the first time AEMA became aware of the proposal was upon review of the Draft LUPA/EIS.

As proposed here, a landscape scale approach to managing dozens of ACECs, covering over 11 million acres, is inconsistent with the principle on which BLM develops ACECs and is contrary to BLM's multiple use mandate. The conflict between GSG conservation and the prohibition through administrative fiat against mineral and other commodity development by use of widespread, one-size-fits-all ACECs does not withstand scrutiny.

BLM Must Ensure Compliance with NEPA

1. *Evaluate a Reasonable Range of Alternatives*

The "alternatives" portion of an EIS is considered the "heart" of the NEPA process and requires an agency to rigorously explore and objectively evaluate all reasonable alternatives so that decision-makers and the public are fully informed. 40 C.F.R. §1502.14(a). "Reasonable alternatives" are defined as: "a reasonable range of alternatives that are *technically* and economically feasible, and meet the purpose and need for the proposed action." 40 C.F.R. §1508.1, emphasis added. AEMA contends that in order for an alternative to be "technically feasible" it cannot be in conflict with law. Both Alternatives 3 and 6 are not reasonable because they conflict with multiple statutes including the Mining Law, MUSYA, and FLPMA, among others as described in depth herein.

AEMA contends that in order for an alternative to be considered "reasonable" the alternative must be implementable. Alternatives 3 and 6 fail to comply with the Mining Law, MUSYA, and FLPMA and therefore cannot be implemented and should have been removed from further analysis. Additionally, Alternative 3 fails to meet the purpose and need because as discussed in Section 4.8.4 of the Draft RMPA/EIS, eliminating grazing on 69,2 million acres of lands designated as PHMA would increase the risk of wildfire, the primary threat to GSG and its habitat:

> In addition, removal of grazing means less landscape-scale removal of fine fuels. The elimination of livestock grazing may increase the potential for large and severe wildfires as fuel loads increased in the absence of managed grazing. There would be potential for BLM to conduct targeted grazing as a means to reduce fine fuels but would not be near the scale that currently exists.

Draft RMPA/EIS at 4-73. As shown above, BLM recognized in the Draft LUPA/EIS that the proposed management actions under Alternative 3 would increase wildfire risk yet chose to include this alternative as a viable option for detailed analysis. For these reasons the Draft LUPA/EIS is fatally flawed, and BLM must prepare a new Draft LUPA/EIS which only includes alternatives that 1) meet the purpose and need, and 2) are consistent with law including the Mining Law, MUSYA, and FLPMA.

2. *The Affected Environment is Severely Flawed*

The purpose of the "Affected Environment" section of an EIS is to provide information on existing conditions of the environment in order to provide context for the impact analysis. It is the baseline from which the impacts on the environment and resources can be analyzed. CEQ regulation requires BLM to:

> "[S]uccinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration. The descriptions shall be no longer than is necessary to understand the effects of the alternatives. Data and analyses in a statement shall be commensurate with the importance of the impact…"

40 C.F.R § 1502.15. Indeed, § 1502.15 provides that the agency describes the affected environment in a clear and concise manner, and to a degree as to limit superfluous information; but § 1502.15 does not condone glossing over or reckless failure to describe the affected environment on key issues. BLM failed to describe the affected environment adequately by omitting any discussion of geology and limiting what little discussion it did provide to minerals being produced. The analysis excludes mineral potential entirely. In section 3.10.4 BLM states "[b]ecause locatable minerals are governed under the requirements of the Mining Law of 1872, as amended the BLM has limited information regarding the existing conditions of locatable mineral development." Draft LUPA/EIS at 3-40. This assertion is absurd, and BLM's complete omission of mineral potential is arbitrary and capricious. In our scoping comments we urged the BLM to update the USGS 2016 Mineral Report[4] which was prepared in response to the proposed SFA withdrawals. Had this information been considered, it would have provided important information on the existing conditions in the planning area, especially as it relates to the impacts of proposed withdrawals on potential mineral development.

BLM failed to include readily available information pertinent to establishing the Affected Environment. Because the planning area contains important and abundant mineral resources, there are numerous published sources of information on the geology and mineral potential available from state and federal agencies, and technical journals and reports. AEMA members and other mineral stakeholders should have been consulted and could have provided material information about mineral potential in the planning area. Information from these sources should have been included in a discussion of geology and mineral resources in the Draft LUPA/EIS. Such a discussion is critical to a meaningful analysis and "hard look" of the impacts to locatable minerals that will result from implementing the proposed withdrawals and the surface use restrictions.

BLM has failed to incorporate new geologic and mineral data that the USGS is currently compiling pursuant to Section 40201 of the Bipartisan Infrastructure Law, which appropriated funding for the USGS to conduct the "Earth Mapping Resources Initiative (MRI)" to assess the

[4] Mineral resources of the Sagebrush Focal Areas of Idaho, Montana, Nevada, Oregon, Utah and Wyoming, Scientific Investigations Report 2016-5089, https://pubs.er.usgs.gov/publication/sir20165089

surface and subsurface minerals potential of the United States. The USGS' ongoing Earth MRI investigation, which prioritizes mapping and assessment of critical minerals as directed by Congress, may provide valuable data that could be included in an updated and expanded mineral potential report. BLM must consider the USGS' Earth MRI findings because they represent Best Available Science that needs to be incorporated into an updated MPR and evaluated in a Supplemental Draft LUPA/EIS.

AEMA is deeply concerned that the information provided in Section 3.10.4 is severely lacking and fails to provide adequate information in order to make an informed decision. The poorly researched Draft LUPA/EIS offers no hard data concerning recent valuation of locatable mineral production, forecasts of trends in production and the potential for discovery of new, important mineral deposits in the planning area. Further, the discussion provides no historical context for metal deposits and production, cursory discussion of the economic importance of on-going exploration and no forward guidance with respect to where future mineral resource exploitation is likely to occur.

As a whole, Section 3.10.4 demonstrates serious and disturbing deficiencies in the BLM's understanding of the full spectrum of mineral resource activities in the planning area. These omissions are important because of the severe harm they will cause AEMA members and states and counties with important mineral resources that rely on employment and tax base provided by mineral development as a result of the proposed actions. Because the country has an urgent need for domestic sources of critical minerals, this deficiency will harm national mineral security

To be clear, without a discussion of geology, mineral potential, and existing conditions, it makes it impossible to analyze the potential impacts the proposed alternatives will have on various resources, especially locatable minerals. Mining is a key industry not only in the planning area, but especially in the State of Nevada, which is the third largest U.S. mineral-producing state.[5] Thanks mainly to the Nevada gold industry, the U.S. is the fourth largest producer of gold in the *world*. To that end, the potential for adverse impacts on future mineral production could be enormous, especially under Alternatives 1, 3, and 6. The Draft LUPA/EIS must be revised to include an adequate description of the affected environment, including specifically its mineral potential and then re-issued to allow for public comment.

3. *The Impact Analysis as it Relates to Minerals is Severely Flawed*

The purpose of the NEPA analysis as well as BLM's planning process is for BLM to publicly disclose the potential impacts of various management strategies under consideration by the agency. Under §102(2)(C) of NEPA, an agency is required to prepare a detailed statement on the various effects or impacts associated with a major federal action.

BLM may have presented impacts (i.e. environmental consequences) by resource and alternative in the Draft LUPA/EIS; however, BLM failed to include any detailed or meaningful analysis of the impacts to resources. AEMA opposes any impact analysis that does not quantify the cumulative impacts the proposed management decisions will have on all uses of public lands,

[5] https://pubs.usgs.gov/publication/mcs2024

including locatable minerals exploration and development. Detailed discussion of the impacts to locatable mineral operations and development, as well as other land uses, must be thoroughly examined especially in light of the fact that GSG population declines have been associated with loss of habitat as a result of wildfire, not mineral development.

Across the alternatives, BLM limits discussion of impacts to the potential impacts of "recommending" withdrawals and asserts that a recommendation does not result in any impacts because those impacts would be analyzed in a different planning document. In our scoping comments, AEMA raised concerns related to segmenting the impacts of withdrawals from the land use planning efforts. AEMA maintains that analyzing these actions separately is impractical and will create confusion. Artificially splitting the analysis of the impacts to minerals into different EIS documents will render both documents incomplete. Additionally, preparing two closely related EIS documents may not comply with the CEQ's NEPA implementing regulations that prohibit segmenting connected projects into separate NEPA documents. *See Thomas v. Peterson,* 753 F.2d 754, 758 (9th Cir.1985) (explaining CEQ regulations requiring "connected actions" to be considered together in a single EIS). Artificially dividing a major federal action into smaller components is typically unlawful.

Further, the evaluation of impacts to mineral resources that would result from withdrawing the SFAs under Alternative 1 or PHMA under Alternative 3 is directly relevant to the analysis of indirect and cumulative impacts on locatable minerals as well as to the socioeconomic impacts resulting from the both the withdrawal of significant acreages and the implementation of restrictions on mineral activities due to the many other GSG land management restrictions.

Withdrawing the SFA (Alternative 1) and PHMA (Alternative 3) from mineral entry and contemporaneously restricting mineral activities throughout the remaining GSG planning area would create significant cumulative impacts to minerals that need to be evaluated in the same NEPA document. For example, withdrawing over 69 million acres, as proposed under Alternative 3 could obviate the need for stringent restrictions on mineral activities throughout the rest of the planning area – especially considering the very small footprint that mineral exploration and development have on the overall landscape. BLM must prepare *one* document that evaluates the "recommended" withdrawals.

In addition, regarding the proposed ACECs, AEMA cannot effectively comment on the ACECs because the Draft LUPA/EIS does not sufficiently analyze the impacts that these specific proposed ACEC designations will have on current and future mining operations within the planning area. Additionally, the number and total acreage of ACECs proposed for designation in Nevada/California are disproportionate to the other states and would result in Nevada/California shouldering an inequitable amount of the burden of GSG conservation.

Furthermore, some of the information upon which BLM is basing its analysis of the ACECs is not available for public review and comment, which is entirely inappropriate and contrary to the requirement to making agency records available under the Administrative Procedure Act and NEPA. Additionally, BLM must develop and circulate a

supplemental Draft LUPA/EIS now that the Public Lands Rule (otherwise referred to as the Conservation and Landscape Health Rule) has been finalized and becomes effective on June 10, 2024. The Public Lands Rule's prioritization of ACEC designation and changes to current practices for designating ACECs have not been accounted for in the current environmental analysis, and BLM will violate NEPA if it finalizes these resource planning efforts without supplementing its impact analysis. At the very least, the Supplemental Draft LUPA/EIS needs to evaluate the cumulative impacts of the Public Lands Rule and the land use restrictions – especially the 69.2 million acres designated as ACECs under Alternative 3 – because the Public Lands Rule also greatly increases ACEC designations.

AEMA opposes any impact analysis that does not quantify the cumulative impacts the proposed management decisions will have on all uses of public lands, including locatable mineral exploration and development. Detailed discussion of the impacts to locatable mineral operations and development, as well as other land uses, must be thoroughly analyzed and disclosed to meet the minimum NEPA requirements.

Conclusion

As discussed above, this entire planning process and the resulting Draft LUPA/EIS are fraught with substantial procedural, legal and scientific flaws which can only be corrected in a revised Supplemental Draft LUPA/EIS, which the public must be allowed to review and comment upon. The flaws in the Draft LUPA/EIS are so serious and numerous they cannot be addressed and cured in a Final EIS and LUPA.

AEMA appreciates the opportunity to provide these comments. We believe that the Draft LUPA/EIS needs to be substantially modified and improved as described above and re-issued as another draft document for public review. Thank you for your consideration.

Sincerely,

Mark Compton
Executive Director

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June 13, 2024

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Re: Comments to the Public Draft Amendment to Land Use Plans Regarding Greater Sage-Grouse Conservation and Associated Environmental Impact Statements (EIS)

(DOI-BLM-WO-2300-2022-0001-RMP-EIS)

Dear Mr. Bahr,

The Nevada Department of Wildlife (NDOW) appreciates the opportunity to provide comments on the Bureau of Land Management's (BLM) public draft of the *Amendment to Land Use Plans Regarding Greater Sage-Grouse Conservation and Preparation of Associated Environmental Impact Statements 2021 Greater Sage-grouse Land Use Plan Amendments* (EIS) (March 15, 2024). NDOW has primary statutory authority over Nevada's wildlife resources and participates as a cooperating agency under the National Environmental Policy Act (NEPA) on many projects.

For the purposes of commenting on this effort, most feedback will be focused on overarching topics relative to the six alternatives presented in this effort, understanding that Alternative 5 (Alt 5) is the BLM Preferred Alternative. As part of our comments, we feel it important to point out several larger topics that drastically alter conservation of greater sage-grouse (sage-grouse) in the proposed Plan, including:

1) the overall size and organization of the alternatives and Plan,
2) the use of mitigation and/or compensatory mitigation prior to implementation of avoidance and minimization measures, and
3) the conservation standard from a "net-conservation gain" to that of a "no net loss" standard.

These are discussed further in the sections below. We have also attached a table of more specific comments relative to the individual components included in each alternative and corresponding appendix.

The current sage-grouse Plans (Alternative "Alt" 1) have greatly influenced how sage-grouse and habitat resources are managed on public lands in Nevada, as well as influenced NDOW's role in project planning within sagebrush habitats. Active engagement on the part of NDOW and other conservation organizations during NEPA analyses has resulted in better communication regarding wildlife and habitat resources and encouraged more robust analyses; however, implementation of

these plans has been inconsistent, and has constrained the intended sage-grouse conservation, particularly in Nevada. There is room for improvement of these Plans, and we offer an outline of issues we have observed or experienced over the last six years. We hope these comments serve to provide clarity to help ensure these Plans are consistently implemented, and aid in more robust land use decision making processes that ensure conservation of sage-grouse and their habitat.

General Feedback

Since the original 2015 Plan was finalized (Alt 1), sage-grouse populations and sagebrush habitat have continued to decline. The intent of the 2015 Plan, and the subsequent 2019 Plan, was to "conserve, enhance, and restore sage-grouse habitat by avoiding, minimizing, or compensating for unavoidable impacts on sage-grouse habitat in the context of BLM's multiple use and sustained yield mission under FLPMA [Federal Land Policy and Management Act]." When the 2015 Plan was being developed, a major objective at that time was to reverse the declining population trend of sage-grouse through net conservation gain standard.

One element of this current Plan revision we feel strongly about is the general challenge in reviewing and understanding the various elements of the alternatives and appendices. At over 2,400 pages, it is exceedingly difficult to read the Plan in its entirety, understand the various alternatives, as well tease out the nuances of the proposed changes. For some topics, reviewing the appendices would lead to a better understanding, however, other sections were detailed better within the body of the document. This led to the need for moving back and forth between the main document and appendices in a way that is both inefficient and confusing. Including all sage-grouse states, with state-specific components became an exercise in document management that does not adequately allow the public to understand the proposed Plan, nor does it allow meaningful engagement.

With such a long and complex document, it will also be difficult to utilize the document in a meaningful or consistent way during implementation, in large part due to the need to move back and forth between the various sections, state-specific elements, and appendices. We strongly encourage the BLM to develop individual state/regional plans from this Plan that can be used at a smaller scale, after the Records of Decision (RODs) are signed, at the very least. This type of organization would be highly valuable prior to the decision, improving readability and review opportunity for the public. Having a concise Plan for the state/regions will also significantly aid in improved clarity, overall project management, and consistency in implementation.

Identification, Management, and Conservation of most important habitat (PHMA, PHMA+, Sagebrush Focal Areas, ACECs)

In reviewing the alternatives presented in the current ARMPA revision, several opportunities to adequately conserve the highest value habitats appear to be missing or minimized, including the existing use of No Surface Occupancy (NSO), "Priority Plus Habitat Management Areas" developed by USGS and the introduction of Areas of Critical Environmental Concern (ACECs).

The original 2015 Plan included areas having the highest value habitat, important for the persistence of sage-grouse, primarily those of Priority Habitat Management Area (PHMA), and seasonal habitats such as for brood-rearing. Areas, such as PHMA under certain land uses, that are managed for NSO are critical for conserving the highest value sage-grouse habitat. These areas have been identified in the scientific literature as critically important for the species, and included protections that would further conserve these natural areas that are largely intact and free from human development. These areas offer enhanced protection of sage-grouse habitat by excluding

them from some forms of development and surface occupancy. At the time of the 2015 listing decision, the protection of these areas was considered especially important given uncertainty about economic or technological advances that could negatively impact sage-grouse populations considered critical to the long-term survival of the species. These areas were intended to be prioritized for other management actions beneficial to sage-grouse, including rangeland health assessments, wild horse and burro gathers, grazing permit modifications (as deemed necessary), fire management projects, and sagebrush restoration. Because these areas were identified as so important to the species, and to be areas "within which land managers will apply the most conservative strategies to protect sage-grouse and habitat," the conservation of these areas within the 2015 ARMPA (Alt 1) contributed significantly to the FWS's 2015 "not-warranted decision."

New data and updated habitat and use selection models have refined mapped habitat areas most important to sage-grouse life cycle needs and have contributed to a better understanding of highly critical habitat including what is considered "Priority Plus (+) Habitat Management Areas," which do not appear to be included in any of the alternatives. Priority+ habitat is considered the "best of the best," (i.e source versus sink habitats contributing to sage-grouse populations and genetic diversity) and is important to incorporate into all alternatives (except Alt 3) to conserve the highest quality sage-grouse habitat. Previously included protections for high value habitats are now diminished in Alternatives 2, 4, and 5, with the allowances of some development activities that were previously NSO with stringent requirements for development, even within the Priority+ and PHMA habitat categories. Weakening these requirements will result in negative impacts to sage-grouse and their habitat.

Additionally, the 2015 ARMPA (Alt 1) currently allows for habitat adjustments, but only when habitat currently included in existing mapping is determined to be non-habitat. However, there is no allowance for the opposite – areas that are in fact habitat but are not included in existing mapping. This has proven problematic for several projects and further compromised sage-grouse conservation efforts. Nevada Department of Wildlife recommends incorporating allowances for updated mapping that provides more accurate habitat classifications based upon existing habitat conditions, both to remove what is deemed "non-habitat" and to add what is determined to be habitat in areas not previously modeled as habitat. This approach should be incorporated into all alternatives.

For Alternatives 4 and 5, the text pertaining to "criteria-based management" implies that areas identified as non-habitat within PHMA and GHMA are not subject to other management direction within the ARMPA if the project will not have direct impacts to adjacent habitat, potential habitat, or sage-grouse as a result of project design and Required Design Features (RDFs). It is important to note that development in "non-habitat" areas within PHMA and GHMA may still have indirect impacts to adjacent habitat and sage-grouse, even with application of RDFs and exclusion and avoidance management directives may still be appropriate to apply where necessary.

<u>Areas of Critical Environmental Concern (ACECs)</u>

The proposal to identify and develop Areas of Critical Environmental Concern (ACECs) in Alternative 6 (Alt 6) would allow a level of conservation for high value habitats, but land designations such as ACECs often come with management limitations that could limit restoration or management activities designed to enhance suitable sage-grouse habitat and benefit the species. Designating ACECs for sage-grouse can be consistent with the FWS's conservation priority for the species and addresses one of the five listing factors (inadequacy of existing regulatory

mechanisms) that the Service considers; however, NDOW has several overall concerns relative to how ACECs have been addressed through the BLM's sage-grouse Plan revision process and overall ACEC administration in Nevada, including the following:

1) the process for designating proposed ACECs was not transparent and did not involve all state and/or local agencies/stakeholders, nor was it coordinated among state/local stakeholders across state boundaries,
2) proposed ACEC nominations across state lines arbitrarily stop at state borders, which do not reflect the biological reality of connectivity of sage-grouse populations and habitat,
3) there appear to be inconsistencies with how "relevance" and "importance" criteria were applied, particularly given the discrepancies in the acreages proposed for ACECs in different states, and
4) many areas currently designated as ACECs in Nevada do not have management plans associated with them nor are they actively managed, leading to the potential for use of ACECs to be ineffective.

Utilizing the BLM's proposed ACECs in this planning effort, NDOW provided detailed feedback on the highest value areas for sage-grouse. We are willing to participate in further discussions with the BLM, state, and local resource management agencies, and interested stakeholders on important areas for sage-grouse as this effort moves forward. We note that there are additional mechanisms that may be suitable for achieving the same conservation opportunity, such as with Restoration Leases under the newly finalized BLM Public Lands Rule, that have not been included in this Plan.

Mitigation Implementation and Hierarchy

One element consistent throughout the Plan is that of an increased dependency on mitigation. While a valuable tool for addressing impacts to wildlife resources, mitigation is not designed to be the primary mechanism for conservation of a species, including sage-grouse; however, it is one component that should be used to address specific and localized impacts. We believe additionality language should be clearer to reduce confusion relative to reclamation requirements, RDFs, Management Decisions (MDs), Stipulations, Conditions of Approval, or other requirements, and compensatory mitigation. There is often confusion that complying with one of these negates the need to satisfy other requirements (i.e., belief that complying with reclamation requirements precludes the need to comply with compensatory mitigation requirements or RDFs).

In Nevada, where mitigation is required under State Law, the mitigation hierarchy presented in this Plan has skipped the critical steps of avoidance and minimization by moving directly to the mitigation element of the Mitigation Hierarchy. It has already been documented in Nevada that some projects have pursued mitigation to circumvent seasonal timing limitation avoidance measures, which is against the intent of those measures, and not in alignment with BLM's Mitigation Policy or NEPA. We support the Council on Environmental Quality's (CEQ) mitigation guidance to require project proponents to implement avoidance and minimization measures before compensatory mitigation can be considered as an offset for these Plan requirements.

While the sage-grouse Plans have previously required mitigation, the only driver for mitigation in Nevada has been the State of Nevada's Conservation Credit System (CCS). Unfortunately, there is often confusion that the CCS is separate from any requirements by BLM. As a result, project developers, in some instances guided by BLM staff, have been attempting to use the CCS to find work arounds for avoidance/minimization measures in the Plan (i.e., seasonal timing limitations), which are federal requirements. This type of use is in direct conflict with the intent of the

mitigation hierarchy and State CCS policy. Compensatory mitigation is not intended to mitigate for lack of compliance with standard avoidance and minimization measures.

The BLM's Preferred Alternative (Alt 5) as written also decouples the sage-grouse Plan from Nevada's CCS mitigation program conservation standard, creating two sets of standards that developers would have to meet. This could introduce inconsistencies in implementation. Specifically, the mitigation approach for Alternatives 3, 4, and 5 represents a departure from the 2015 ARMPA's "net conservation gain" standard, as well as the State's CCS. The proposed Plan reduces the conservation standard to "no net loss." Nevada Department of Wildlife appreciates that Alternatives 4 and 5 include the provision that compensatory mitigation will meet the requirements of the state; however, this still leads to a discrepancy between State Law and federal decision-making.

Under Alternatives 3, 4, 5, and 6 of the proposed Plan, BLM notes, "where restoration is not possible, preservation can be used to offset impacts and should be designed to protect uniquely important habitats or areas of sage-grouse habitats that are at a high risk of conversion." While preservation should be a component of compensatory mitigation (to ensure mitigation durability), we caution that preservation alone may not meet the BLM's no net loss goal and mitigation should be strategically designed to fully restore functional habitats or enhance habitats "...to the degree where carrying capacity (i.e., number of sage-grouse supported before disturbance) is increased to the point of offsetting the loss in capacity of the areas impacted."

We request a specific discussion of how the BLM Plans to address the 1872 Mining Law and mitigation. In Nevada, we have a long, successful history of mitigation with the mining industry with respect to sage-grouse and other wildlife impacts (e.g., mule deer, waterfowl, fisheries, etc.). Further clarification regarding BLM's comment that compensatory mitigation cannot be required under the 1872 Mining Law is necessary. BLM's mitigation policy, as outlined in Section 7.5 "Operations Authorized by the Mining Law of 1872" states, "The BLM should apply this mitigation policy on a case-by-case basis, consistent with the BLM's authority under the Mining Law, when authorizing operations under 43 CFR subparts 3809 or 3715." We recommend that the Nevada-Northeastern California Record of Decision (NV-CA ROD) requires compensatory mitigation for operations authorized under mining law, consistent with the Nevada CCS. Compensatory mitigation for habitat loss and degradation will continue to be imperative to achieve the stated goal to "conserve and manage GRSG habitat to support persistent, healthy populations..." and to comply with Nevada's CCS.

Nevada Department of Wildlife also recommends mitigation be required as part of the project's NEPA authorization, to provide and disclose a more comprehensive understanding of immediate, residual (those impacts remaining after avoidance and minimization measures have been implemented), and cumulative impacts, to achieve greater assurance that adequate mitigation will be implemented. Mitigation requirements and commitments should also be included in the Decision Records or RODs for clarity, disclosure, consistency, and compliance. This would also increase clarity and consistency to project proponents on what the requirements are moving forward. These steps are not consistently occurring currently but would be a significant improvement to the process.

Approaches to Minimizing Disturbance in Habitat

Disturbance Caps

Since the implementation of the 2015 ARMPA, disturbance cap calculations remain unclear and are poorly coordinated with Nevada state agencies. Currently, calculations exclude incorporating indirect impacts and wildfire, and are done in a way that lacks transparency. It is well documented in literature that indirect impacts are far more significant than only assessing the direct surface disturbance footprint. Indirect impacts, such as noise, vehicle traffic, increased predation from food and perching subsidies, etc., can have population level impacts out to 10km or more from the disturbance. It has also been well documented that wildfire impacts can negatively affect sage-grouse populations. Disturbance caps as they are currently being calculated are not adequate to quantify actual impacts to sage-grouse populations or habitat and thus, could be greatly improved upon to be a meaningful conservation practice. Nevada Department of Wildlife recommends incorporating indirect impacts into the disturbance cap calculation, similar to how the CCS incorporates indirect impacts. This approach would ensure consistency with the State of Nevada's plan and would be relatively easy to incorporate using existing decay curves as used in the States Habitat Quantification Tool. We also recommend including wildfire in the disturbance cap analysis, with the caveat that wildfires having a net neutral or beneficial impact to habitat through time may be excluded. We acknowledge that incorporating wildfires into the analysis is more complex to separate beneficial versus detrimental wildfires, and we remain willing to work with the BLM to refine this process.

Adding clarity to the disturbance cap calculation and Adaptive Management process would be beneficial as there doesn't appear to be any accurate or publicly available comprehensive disturbance dataset(s). The Surface Disturbance Analysis and Reclamation Tracking Tool (SDARTT) may be a solution; however, this tools application is relatively new, and its applicability is unknown at this time. This creates confusion on what disturbances are included in calculations and highlights a lack of transparency. Additionally, SDARTT is not available outside of DOI, therefore states and local governments, as well as members of the public and other interested parties are unable to access this tool. We recommend developing a centralized database (possibly SDARTT can serve this role) that contains all BLM authorized disturbances (including notice-level, indirect, wildfire, and cumulative) so that disturbance cap calculations and individual project impacts (short- and long- term) are well understood ensuring project impacts are adequately addressed. This centralized data should be publicly available. Furthermore, there is confusion regarding how the disturbance cap calculations and analysis feeds into the Adaptive Management and BLM decision making processes (see Adaptive Management Section below).

In general, granting no disturbance cap exceptions provides the greatest regulatory certainty. We understand that there may be circumstances where exceptions could be granted without detrimental impacts occurring to sage-grouse or their habitat; however, making this determination is very nuanced and site and project specific. There remains confusion regarding how the BLM 1) evaluates if the hierarchy has been adequately achieved, and 2) a net conservation gain is demonstrated. We request greater clarity be provided given that compensatory mitigation does not always alleviate habitat fragmentation, degradation, and negative sage-grouse behavioral responses to additional development above the 3 percent threshold. Furthermore, given the uncertainty and lag time of habitat restoration success (or failure), it is not appropriate to assume the restoration acres sufficiently mitigate the impact until the restoration has been realized and deemed effective (e.g. vegetation suitability, sage-grouse utilization with stable to increasing populations). Permitting a project prior to the restoration being realized may lead to irreversible local sage-grouse population declines. We encourage the BLM to remove exceptions to the NSO stipulation and any further development in areas that have exceeded the 3 percent disturbance cap, until it can

be demonstrated and agreed upon by partners that disturbance within the specified geography is reduced below 3 percent.

Noise Impacts

Current research indicates that anthropogenic noise has a more significant negative impact on sage-grouse than previously understood. While current Plans contain guidance on limiting anthropogenic noise in sage-grouse habitat, its application within land management decisions to protect sage-grouse is limited by underdeveloped definitions and methodologies. We strongly recommend incorporating the findings, measurement methodologies, and thresholds presented in recent published literature and the most recent version of the *NDOW Noise Protocols* (Ambrose et al. 2021). Additionally, a requirement to utilize established, scientifically robust protocols developed by State Wildlife Agencies or research institutions focusing specifically on noise and sage-grouse should be included when available. In Nevada, we recommend the NDOW's "*Acoustic Impacts and Greater Sage-grouse: A Review of Current Science, Sound Measurement Protocols, and Management Recommendations*" and subsequent updates to these protocols (NDOW 2020; NDOW 2018) be referenced as appropriate in the NV-CA ROD.

We remain concerned with the current implementation of noise monitoring and how potential or observed exceedances and impacts are addressed. While there has been some progress in ensuring data collection and sound level calculations follow the necessary protocols, there are insufficient details in the 2015 Plan. This continues to create confusion and limit the effectiveness of these standards. One current trend we are observing is for the BLM to incorporate baseline data collection and modeling, but not incorporate follow-up efforts to verify the model with monitoring during project construction or operation. This places too much emphasis on modeling results and does not provide any verification that development projects are meeting necessary standards to protect sage-grouse leks.

Exploration Activities

Notice-level disturbance (less than 5 acres) occurs across the landscape unaccounted for. We suggest improved tracking of notice-level disturbances along with making this publicly available. Additionally, we recommend including timing restrictions/limitations and other RDF to avoid and minimize impacts.

The MD MR 17 (Mineral Resource) under the 2015 ARMPA (Alt 1) currently encourages notice-level activities to be managed in a way that avoids segmenting a project. However, when coupled with Nevada's CCS, which requires disturbance greater than 5 acres to be mitigated, we now see confusion among project proponents that leads to segmenting notice-level activities to stay under the 5-acre state mitigation threshold. There are also situations where the segmenting/stacking of exploration activities are occurring through classifying different disturbances under different activities (ROW disturbance vs drill pad disturbance vs access road disturbance, etc.), thus allowing more disturbance to occur without proper analysis or consideration of impacts to sage-grouse. Given the frequency at which these issues are occurring, we recommend the BLM considers new mechanisms for addressing notice-level disturbance activities, such as removing the notice-level exemption for mitigation, use of buffers to prohibit notice-level activities occurring closer than 3.1 miles from an active or pending lek, or the inclusion of stronger language to consolidate exploration activities. This would alleviate our concern regarding notice-level disturbance and potential segmentation of NEPA and project components. It does not appear that notice-level exploration has been addressed in any of the proposed alternatives, and thus, no

improvements for sage-grouse conservation were accounted for relative to these concerns across the landscape. We recommend these be addressed.

Energy Development

Fluid Minerals

The proposed Plan includes changes to the management objective for fluid mineral development and leasing, many of which would not align with sage-grouse conservation. While Alt 4 offers more details of how to evaluate new potential fluid mineral projects, both Alt 4 and Alt 5 would result in less conservation of sage-grouse habitat than current provisions because they instruct the BLM to apply the mitigation hierarchy to fluid mineral development "to the extent practicable", as well as provide opportunities for exemptions to the NSO stipulation, thus providing less certainty for conservation. We recommend that the NV-CA ROD reflects management objectives that afford the highest conservation standard, such as those identified in Alt 1 or Alt 3.

Regarding Waivers, Exemptions and Modifications (WEMs) under the current Plan (2015 ARMPA/Alt 1), we would like to note that they have become commonplace in the authorization process, rather than a circumstantial request occurring only during very constrained conditions. The WEMs were originally intended for application in situations where no impacts would occur, or where habitat doesn't exist within the modeled habitat categories and are part of impact avoidance measures. Under the currently proposed alternatives, we suggest WEMs be required beyond exploration activities for fluid minerals, and that no WEM be granted in PHMA. Currently, timing limitations identical to those found in the Fluid Minerals stipulations are included in Management Decisions (MDs) for Special Status Species and would apply post-exploration when the fluid minerals stipulations were no longer in place, but MDs are rarely applied or acknowledged. This allows impacts to continue for the life of the project. It would be appropriate to provide clarification for when/how MDs apply.

In Alt 4 and Alt 5, exceptions to the NSO stipulation in PHMA may be granted if it can be demonstrated that the mitigation hierarchy will be applied, which offers less certainty for sage-grouse conservation. No Surface Occupancy provides much greater certainty and eliminates impacts from surface occupancy. While we contend the mitigation hierarchy of, "avoid, minimize, and mitigate" is important, avoidance can often be subjectively deemed impracticable, and the resulting minimization and compensatory mitigation may still result in negative sage-grouse responses to development. The exception in Alt 5 provides even less certainty for sage-grouse than Alt 4 because the NSO exceptions may be granted prior to completion of compensatory mitigation and before mitigation becomes functional habitat. Habitat restoration in sagebrush ecosystems is complex, often resulting in long-term and ongoing investments to achieve functional habitat. To allow habitat degradation prior to establishing functional compensatory mitigation could have a negative impact on local sage-grouse populations such that they may not be able to survive or rebound. We recommend that the mitigation-justified exceptions to the NSO stipulation in PHMA not be included in the NV-CA ROD.

We agree, as stated in Alt 4 and Alt 5, that it is appropriate that the BLM not consider exceptions to the NSO stipulation in PHMA if an Adaptive Management threshold has been exceeded for the sage-grouse population neighborhood cluster in which the development is proposed and if the Causal Factor Analysis (CFA) concludes that development associated with the type of activity seeking exception is or could contribute to the threshold exceedance. However, there can also be circumstances where even if the CFA is inconclusive on cause, that allowing additional

development in a neighborhood cluster that has "tripped a trigger" would be harmful to sage-grouse trends within the cluster. Thus, we recommend that the NV-CA ROD stipulates that no exceptions will be allowed in neighborhood clusters that have reached USGS Targeted Annual Warning System (TAWS) thresholds.

As written, Alt 4 and Alt 5 would weaken the strong collaboration among BLM, FWS, and States in determining the appropriateness of granting exceptions to NSO in PHMA. In the 2015 ARMPA (Alt 1), concurrence among the federal and state agencies was necessary to grant an exception. No language to that effect is included in Alt 4 and Alt 5; rather, WEMs could be determined by the Authorizing Officer and would not require higher review or collaborative input from FWS, NDOW, or in Nevada the Sagebrush Ecosystem Technical Team (SETT). We recommend retaining the high standard of requiring agreement among federal and state agencies to grant an exception to NSO in PHMA. While argument has been made that since the BLM is the authorizing agency, no other agency should be included in the process, incorporating concurrence relative to WEMs does not constitute an abdication of BLM's decision-making authority, but rather, ensures the appropriate and consistent application of WEMs within a given development process. It also ensures the agencies responsible for managing the species and habitat are directly included in the management. To remove the State from that process would be to limit State management jurisdiction and undermine the collaborative nature of this Plan.

With respect to GHMA, NDOW appreciates that Alternatives 4 and 5 offer additional guidance on factors to consider when granting exceptions to the NSO stipulation within 1 mile of leks; however, these alternatives remove the requirement to coordinate with NDOW in making the determination to grant an exception. We recommend that the NV-CA ROD includes the coordination provision that exists in the 2015 ARMPA (Alt 1) remain. Per Alternatives 4 and 5, waivers to the NSO within 1 mile of leks could be granted if a lek is no longer considered active per WAFWA's lek definitions. We also recommend disregarding any proposed changes to the criteria for approving waivers to the NSO within 1 mile of leks. Alternatives 4 and 5 also add a new opportunity to offer exemptions based on compensatory mitigation. As stated above, allowing compensatory mitigation to serve as exemption criteria represents a lower conservation standard than what currently exists under the 2015 ARMPA (Alt 1). We recommend that the NV-CA ROD does not include this exemption flexibility.

Regarding Fluid Minerals Leasing in general, the NDOW advocates inclusion of all requirements detailed in the sage-grouse Plans to be included in each lease sale, clearly articulated, using updated Standard Notice Language acknowledging existing mitigation systems, including State of Nevada's CCS. Many proponents express that they are not aware of state law specific to sage-grouse mitigation, and some BLM staff do not understand that it is state law and compliance is required. Other State requirements, such as those for water quality, are included in Notice language, and we suggest including State mitigation requirements in a similar manner. This could be addressed within the NV-CA ROD. It is appropriate to include potential impacts that may result from exploratory or development activities, as the Lease Sale NEPA analyses also include authorization (to a degree) for future ground disturbing activities.

Due to the negative impacts fluid minerals activities can have on sage-grouse, it is also appropriate to reinitiate parcel deferrals. Current Presidential Executive Orders appear to have reinstated the BLM's ability to defer parcels (January 2021); however, this is not occurring, even when significant risks to sage-grouse populations are likely to occur. Inclusion of language specific to the use of parcel deferment should be included in the Plans.

Geothermal energy activities are currently lumped under fluid minerals in the new alternatives presented, as well as the current 2015 ARMPA (Alt 1). Based on different projects developed in Nevada and associated impacts to sage-grouse resulting from those projects, NDOW recommends maintaining Alt 1 language for all stipulations relative to fluid minerals and geothermal activities in PHMA and GHMA.

Rights-of-Way (ROWs)

Alternative 4 maintains the 2015 ARMPA's (Alt 1) approach to avoid major Rights-of-Way (ROWs) in PHMA, but also adds protections by excluding major ROWs from high-value seasonal habitats (unless certain criteria can be met). These additional protections are not included in the BLM's Preferred Alternative (Alt 5). Alternative 4 offers higher conservation value because minimization measures and micro-siting to reduce impacts are required. This is consistent with Management Action 6.1.1.2 in the 2019 Nevada Greater Sage-grouse Conservation Plan (Alt 2) which states, "avoid new anthropogenic disturbance activities and its associated facilities and infrastructure within the Service Area". Because Alternative 4 provides a greater conservation standard in comparison to the 2015 ARMPA (Alt 1) and the Preferred Alternative (Alt 5), NDOW is supportive of the NV-CA ROD adopting the enhanced PHMA protections from major ROW development included in Alternative 4. We also encourage the BLM to stipulate a 1.2-mile exclusion buffer around occupied leks in PHMA. When co-locating major ROWs with existing disturbance, NDOW also recommends applying density cap MDs included in the 2015 ARMPA (Alt 1) and using the most current and best available science to apply appropriate buffers to limit indirect impacts into adjacent high value habitat.

Relative to GHMA in Nevada, the 2015 ARMPA required avoidance for major ROWs. Alternative 4 is less restrictive as it only requires avoidance within a subset of GHMA. The Preferred Alternative (Alt 5) represents a lesser conservative approach than Alternative 4 by classifying GHMA as open to major ROWs. Thus, the original conservation standard established in the 2015 ARMPA (Alt 1) is more conservative, and we recommended carrying those directives forward in the NV-CA ROD.

With respect to minor ROWs, the 2015 ARMPA (Alt 1) stipulated that PHMA should be avoided. The 2015 ARMPA (Alt 1) stipulated GHMA was open to minor ROWs. We recommend the NV-CA ROD adopts Alternative 4 with respect to minor ROWs in GHMA as it provides a higher conservation standard by requiring that new minor ROWs avoid breeding, nesting, or other valuable seasonal habitat, though we encourage the BLM to apply a 1.2-mile avoidance buffer around occupied leks.

Transmission Lines, Solar and Wind

In the proposed Plan, Alternative 4 appears to represent a more conservative approach in comparison to the 2015 ARMPA (Alt 1) relative to utility scale wind and solar developments as all PHMA and GHMA areas within 0.5 mile of PHMA would be excluded from renewable energy development. Additionally, Alternative 4 excludes infrastructure associated with renewable testing and development (e.g., met towers and powerlines) in PHMA and requires avoidance of limited/high value seasonal habitat and movement corridors in GHMA. Because Alternative 4 appears to expand the protections to PHMA from renewable energy development over the 2015 ARMPA (Alt 1), we support this alternative. Colorado-specific provisions extend the GHMA exclusion buffer to 2 miles from PHMA and we recommend that the BLM extend the buffer in GHMA that is adjacent to PHMA to 2 miles given that this is the minimum buffer distance

recommended from energy development and tall structures (Manier et al. 2014). Alternative 5 would offer less conservation as PHMA would be managed as avoidance rather than exclusion areas for renewable energy and open in GHMA, with only vague guidance to "preclude negative impacts to any adjacent PHMA habitats". Alternative 5 would likely reduce the regulatory certainty and conservation benefits over the existing 2015 ARMPA (Alt 1) and Alt 4.

Per Alternatives 4 and 5, the lek buffer distances for tall structures as stated in the 2015 ARMPA (Alt 1) require avoiding a 2-mile buffer around leks, although lek conservation status is not discussed in Appendix B of the 2015 ARMPA. We appreciate that the proposed Plan includes the provision for use of local data that may suggest the need for a larger buffer. More current data indicates that sage-grouse are sensitive to tall structures up to 15 km (Gibson et al., 2018; Webster et al., in review). Additionally, since prior research such as Coates et al. (2013) determined that most nesting occurred within 5 km (3.1 mi.) of a lek site and that approximately 90% of seasonal habitats were contained within this area and Johnson and others (2011) found negative trends in populations (lek counts) when distance form oil and gas wells was less than 4 km (2.5 mi.) we encourage the NV-CA ROD to recognize and reference these and other scientific findings as the best available science to update lek buffers.

Given this is BLM's third Plan revision in nine years it is no longer appropriate to "grandfather" a project approval for energy related projects. It is well documented that these types of projects have long-term, detrimental impacts on sage-grouse and associated habitat. If the intent of sage-grouse Plan revisions is to address threats and impacts to sage-grouse and guide conservation activities, it is appropriate to strengthen these land use plans in a way that facilitates better siting, appropriate avoidance and minimization, use of Best Practices, and applies consistency across Plan terms and jurisdictions. Additionally, it is appropriate to forecast future energy-related efforts to capture these industries in a way the Plans can accommodate.

Adaptive Management

Adaptive management is a key component of the proposed sage-grouse Plan, and Adaptive Management responses by Federal land management agencies were an essential component in the 2015 not-warranted conclusion by the FWS. Currently, Adaptive Management thresholds are based on two key metrics: population status and habitat changes. The USGS has developed a Targeted Annual Warning System (TAWS) that signals resource managers when local sage-grouse population trends are decoupling from regional trends. This is based on the most comprehensive population trend analysis study conducted on sage-grouse, and directly incorporates State sage-grouse data. We support the inclusion of the TAWS decision-support tool into BLM's Adaptive Management analyses for population trends. Having utilized TAWS over the last several years for Adaptive Management in Nevada, we believe TAWS provides the most consistent, unbiased, analysis across sage-grouse ranges, and is one of the key tools to help identify when and where management actions would be most effective for improving sage-grouse populations.

Nevada Department of Wildlife supports the continued alignment between federal and state plans, including Causal Factor Analysis (CFA) when triggers (i.e. population/habitat thresholds) have been reached. Alternatives 3-6 state that population triggers can be reversed if "there are sufficient numbers of GRSG (abundance) to allow for recovery of population numbers to those present at or before the threshold was met, based on local growth rates determined by the state wildlife management agency, and BLM has the concurrence of the state wildlife management agency". However, within this language, the term "sufficient" is undefined and does not outline any

applicable scientific methods. We recommend this language be clarified for consistency in implementation.

The proposed Plan states that CFA teams will include at minimum the local BLM biologist, BLM state sage-grouse lead, and a representative from the appropriate state wildlife agency. In the NV-CA ROD, we recommend inclusion of a representative from the Nevada Sagebrush Ecosystem Technical Team, the team responsible for administering the Nevada CCS, on CFA teams also be required.

In addition to the above feedback and recommendations, it is crucial BLM staff are regularly informed and engaged in application of the sage-grouse Plans to ensure consistent implementation, especially with high turnover, and shifting national priorities. There have been several instances of misinterpretation/misapplication of components in the current sage-grouse Plans, and education would help BLM staff, as the Plan includes provisions for all land uses, including Fluid Minerals, Mineral Resources, Rights-of-Way, Renewable Energy, Wild Horse Burro (WHB), Fire and Fuels, Lands and Realty, Travel/Transportation, Cultural Resources, etc. We also strongly advocate for inter-divisional collaboration within BLM, as all land uses/resources that BLM manages are affected by and affect sage-grouse resources and the Plans.

We encourage the BLM to avoid any management direction in its state-specific RODs that would weaken protections for sage-grouse habitat. Sage-grouse population and habitat declines have been many decades in the making, and given the slow response of the sagebrush ecosystem, it will take many decades to reverse sage-grouse population trends and combat threats to Nevada's sagebrush habitat. Maintaining and enhancing conservation efforts through the BLM's current planning process is paramount. We believe it is necessary to incorporate our recommendations described in this letter in order to improve Nevada's sage-grouse population trends and combat threats across Nevada's landscape.

The purpose of the Plans has always been to ensure that sage-grouse conservation is well-informed by sound science, public involvement and participation, and concern for any potential environmental impacts. The Nevada Department of Wildlife appreciates the opportunity to provide comment on these revisions and hope that you will fully consider the NDOW's feedback moving forward. We are looking forward to continued participation in this process.

Sincerely,

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Submitted via ePlanning at: https://eplanning.blm.gov/eplanning-ui/project/2016719/510

June 13, 2024

Ms. Pat Deibert,
BLM National Sage-Grouse Conservation Coordinator
BLM Wyoming State Office
5353 Yellowstone Road
Cheyenne, WY82009

Dear Ms. Deibert:

Wyoming Renewable Resources LLC (WRR) appreciates the opportunity to provide comments on the Bureau of Land Management (BLM) Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning (GRSG Draft EIS), as noticed in the Federal Register on March 15, 2024 (89 FR 18963).

WRR is the owner and developer of two federally significant renewable energy projects: the fully permitted Chokecherry and Sierra Madre Wind Energy Project (CCSM Project), the largest renewable energy project to be located on federal land and one of the largest clean power projects in America, and the fully permitted TransWest Express Transmission Project (TWE Project), a high-voltage, interregional transmission line spanning the states of Wyoming, Colorado, Utah and Nevada. As the developer of these projects both of which are currently under construction on federal lands partially within greater sage-grouse (GRSG) habitats, WRR has practical knowledge of the implementation of BLM's current greater sage-grouse management and mitigation policies and a unique perspective on the proposals set forth in the GRSG Draft EIS. Based on its recent experience permitting and constructing the CCSM and TWE Projects, WRR submits the following comments for BLM's consideration:

1. **WRR supports BLM "Alternative 5" with modifications, as described below, and asks that it be selected as the Agency Preferred Alternative in the Final Resource Management Plan Amendments and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning.**

Alternative 5 presents a balanced approach to resource management by managing multiple uses in consideration of GRSG habitat designations. The management approach set forth in Alternative 5 expands upon BLM's current management direction under the 2015 Amended Resource Management Plans and is consistent with current state policies that balance conservation with economic development and the protection of valid existing rights. Alternative 5 also supports the decisions made by the U.S. Fish and Wildlife Service (USFWS) in 2015 that found that listing of the species under the Endangered Species Act was not warranted due to the collaborative conservation efforts between states, private landowners, industry, and the federal government. Then Secretary of the Interior, Sally Jewell, stated that the historic conservation effort "will benefit westerners and

hundreds of species that call this iconic landscape home, while giving states, businesses and communities the certainty they need to plan for sustainable economic development." Alternative 5 continues to implement this collaborative approach to conservation and supports the USFWS "not warranted" finding for the species while also meeting BLM's multiple use mandate.

In addition, Alternative 5 ensures that critical economic and energy development can continue in a manner consistent with conservation of the species while providing for the best use of GRSG habitat rangewide. While Alternatives 3, 4 and 6 may initially appear to provide greater conservation, they would simply result in shifting impacts to other land ownerships and fewer projects on federal land. The selection of these alternatives would create intense development pressure on state and private lands and prevent or significantly delay well-planned, critical domestic energy and infrastructure projects on federal land. This incidental shifting of impacts based only on land ownership is not the type of careful, responsible project siting and evaluation needed for our country or for species conservation; nor does it align with BLM's multiple use mandate.

Further, based on multi-state habitat evaluations for the CCSM and TWE Projects, we note that important brood-rearing and summer use habitats like wet meadows and riparian areas are more frequently located on private and state lands while upland sagebrush steppe habitats are more typically characteristic of BLM-managed lands. As a landscape-scale species, GRSG rely on brood-rearing and summer use habitats just as much as upland sagebrush steppe habitats and in the arid west these habitats are less frequently available. Therefore, selecting Alternatives 3, 4, or 6 could actually have more impacts to GRSG rangewide than the selection of a balanced alternative like Alternative 5 that provides for responsible development while providing adequate protection to the federal-land habitats most important to the species.

In sum, WRR supports Alternative 5 and requests that in its Final EIS BLM consider and better describe the potential population level and rangewide development pressures and conservation challenges associated with the "conservation-focused" alternatives (Alternative 3, 4, and 6). WRR believes that when considering the entire GRSG population and range, Alternative 5 has equal conservation potential while also being more consistent with current management direction, state policy, and federal domestic energy policies and priorities.

In addition to bolstering its analysis of rangewide population impacts from each alternative on all land ownerships, WRR requests that BLM consider the following modifications to Alternative 5 as well as all other alternatives, as applicable.

- In Section 2.5.8. Renewable Energy Development and Associated Transmission, BLM uses the terms power lines and transmission lines interchangeably to describe all above ground electrical distribution systems. There are significant differences in above ground electrical infrastructure and BLM should differentiate between electrical distribution systems (below 230 kV), electrical transmission systems (230 kV and above), and oil and gas field or other industrial supply electrical infrastructure.

  The literature cited by BLM in section 2.5.8 analyzes the impacts of high voltage transmission lines, lower voltage distribution systems, and electrical supply lines for oil and gas and other industrial activities. However, BLM is combining the impacts of these diverse types of systems in their description of "power line" impacts. For example, Gibson et al. (2018) and Lebeau et al. (2019) both describe the impacts of high voltage transmission lines (>230 kV), Kohl et al. (2019) describes all types of electrical conveyance line types

(transmission, local distribution, industrial supplies, etc.), and Kirol and Fedy (2023) use the term transmission line to describe the electrical infrastructure in an active oil and gas field (likely industrial supply and distribution types of lines). These quite different electrical systems have distinct types impacts and, importantly, different covariates such as human presence and traffic that may change how GRSG perceive and respond to the systems. W**hen developing planning objectives and management actions, BLM should differentiate between the three primary types of electrical infrastructure, relying on only the applicable research for each, rather than combining them into a single overly simplified category**.

- Exceptions, waivers and modifications are a critical tool for the agency to use when considering site-specific conditions for all types of projects and development. Exception, waiver, modification criteria have been identified for fluid mineral activities, but it is unclear what BLM's approach is for exceptions, waivers, and modifications for renewable energy, transmission and distribution lines, and other major project types. **WRR requests that BLM clarify its approach to exceptions, waivers and modifications for non-fluid mineral project types**, i.e. is BLM proposing to continue using the existing criteria from each individual RMP or is BLM intending to adopt the fluid mineral or other criteria for use in evaluating exceptions, waivers and modifications for other types of development rangewide.

- **BLM should modify objectives and management actions SSS[X] and SSS[Y] to better align with its habitat definitions in Section 2.5.2 and to balance management of PHMA and GHMA habitats with responsible development in Alternatives 4, 5 and 6.** As currently stated, objectives and management actions SSS[X] and SSS[Y] do not differentiate between PHMA and GHMA implying that all habitat regardless of quality will be treated and managed the same. While this may be appropriate for Alternative 3, for Alternatives 4,5, and 6 the difference between habitat quality and appropriate management levels for PHMA and GHMA should be acknowledged in the guiding objectives and management actions to better recognize and incentivize appropriate development in lower quality habitats.

- **BLM should clarify the definition of "projects" in Management Action SSS [X2], Table 2-6, or restate this management action.** As currently stated, this management action implies that all projects need to be designed in a manner that maintains and improves habitat suitability, availability, and connectivity. This management objective is not consistent with the BLM's multiple use management under FLPMA and is in conflict with BLM's proposed management of GHMA that allows for resource development in balance with species conservation. At a minimum BLM should clarify that this is equivalent to no net loss and that project may achieve this through the application of appropriate mitigation.

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2. **WRR requests that BLM adopt and properly define appropriate metrics, management objectives, and analysis frameworks consistent with those used by the states for impact assessments and management decisions.**

BLM's efforts to provide a consistent habitat assessment framework, metrics and standards across western federal lands are in conflict with the approaches and metrics that are already used by the states and that have been used by BLM and federal project proponents since implementation of the 2015 ARMPA. Further, BLM seems to indicate that the current metrics and frameworks are no longer valid. The current metrics and management approaches were specifically identified by USFWS in its 2015 decision that GRSG is not warranted for listing under the Endangered Species Act. In the event that BLM wishes to introduce a new framework and metrics for exclusive use in making project and management decisions on federal land, BLM should provide analysis and justification to demonstrate why the new framework is valid and consistent with the listing decision, as well as why the metrics and approaches currently in use are no longer valid. It is WRR's opinion that BLM should propose its new framework in addition to, instead of to the exclusion of, the current frameworks that are still in use by many states and numerous projects.

While the Habitat Assessment Framework (HAF) proposed by BLM has been in use for more than a decade, its use as the primary tool for decision making is likely to add confusion and create inconsistency. In WRR's experience, the HAF is useful for understanding habitat functionality but does not provide clear metrics on which to base management decisions. The HAF is subjective and open to interpretation as to the functionality of habitat and the scale at which current disturbances impact that function. **BLM should consider using a tool similar to the State of Wyoming's Density Disturbance Calculation Tool (DDCT) instead of the HAF to determine whether a landscape can support additional development.** The DDCT is simple to apply and objectively accounts for loss of habitat, direct and indirect impacts, local conditions. Additionally, the DDCT has been supported by both BLM and USFWS as an appropriate standard for conservation planning and management across the range of the GRSG.

The State of Wyoming's DDCT provides a clear, straightforward process that can be used to objectively determine the nature and magnitude of impacts attributable to natural and anthropogenic land uses. Use of the DDCT or a similar tool would provide consistent management rangewide across all land jurisdictions, including state and private. This consistency is especially important in the mixed land ownership areas, such as the Wyoming checkerboard, which make up a substantial portion of the GRSG Draft EIS planning area.

The State of Wyoming's Executive Order 2019-3, Appendix C describes the similarities in the DDCT and HAF multi-scale assessments, including in the assessment of impacts, mitigation benefits, habitat quantity, and habitat quality. However, there are significant differences; specifically, the DDCT:

- Identifies suitable habitat based on local conditions, not rangewide averages;
- Uses a consistent definition of disturbance;
- Maintains a single comprehensive database of existing disturbance;
- Is science based and has been supported by both BLM and USFWS; and
- Can be applied consistently across all geographies and impact types without subjective interpretation of HAF definitions of suitability.

If BLM uses the HAF alone and does not develop a well-defined, objective analysis tool, it will result in inconsistent habitat assessment approaches, metrics, management objectives, and analytical methods that will lead to substantial complexity and confusion for all stakeholders. This can be avoided by allowing for the use of assessment tools, such as the DDCT, that are clear and consistent with those already developed by each state.

In addition to reconsidering its use of the HAF as the primary analysis framework, WRR suggests that BLM consider the following when developing its preferred approach to habitat metrics and analysis frameworks:

- **BLM should standardize its assessment areas and denominators with each state's existing framework or at least provide for the use of alternative assessment methods that do so.** BLM's use different assessment areas and denominators may result in overly complicated analyses and difficulties planning and analyzing impacts of projects crossing multiple land jurisdictions. In states that have habitat assessment processes and defined analysis scales, there should not be two disparate standards for analysis of disturbance caps, e.g., HAF fine scale and Wyoming DDCT project scale, but rather one standard that can be applied within each state. BLM should consider allowing for the use of each state's assessment scales (denominators) to provide consistency in management across private, state, and federal lands.

- WRR agrees with BLM that in cases where sufficient monitoring is available, it should be used to inform the analysis approach used to determine the disturbance cap as well as other issues. **To incentivize the collection and use of monitoring data, BLM should better define how monitoring data could be used to avoid and minimize impacts to sage-grouse as well as to reduce mitigation requirements.** BLM should consider allowing the use of monitoring data to support exceptions, waivers, or modifications to buffer sizes or shapes around leks or changes to seasonal stipulations where monitoring data are sufficient and scientifically defensible to demonstrate the changes will be equally or more protective of GRSG.

- **BLM should better define "non-habitat."** Table 2-4 references the glossary for definitions of existing habitat, potential habitat, and non-habitat, but the glossary does not define any of these terms and instead just defines the term habitat. A standard approach and definition for non-habitat is necessary so that it is not left to an individual biologist's opinion or approach. During project development, WRR has encountered wildly differing opinions of what constitutes non-habitat, with some biologists asserting that only rock or developed land can be considered non-habitat. Lack of definition of this term leads to uncertainty as to appropriate project siting, evaluation of impacts, and management of habitat. Additionally, in the GRSG Draft EIS, BLM uses non-habitat as a siting consideration for major Rights-of-Way and other infrastructure. A precise definition of non-habitat is required to understand how to site projects effectively under all alternatives and to ensure consistent implementation. In developing its definition, BLM should also consider if there is a minimum patch size that would be considered non-habitat or if inclusions of any size of unsuitable habitat (exposed bedrock, unsuitable ecological sites, disturbed areas, co-locations with existing infrastructure, water bodies, etc.) would be considered non-habitat.

WYOMING Renewable Resources

3. WRR asks that BLM further clarify its proposed mitigation standard and framework.

WRR appreciates BLM's efforts to clarify its mitigation requirements. WRR has extensive recent experience working with BLM to develop and implement mitigation approaches and strategies to benefit GRSG. While the standards and approaches presented in the GRSG Draft EIS provide new clarity on BLM's mitigation approach, **WRR encourages BLM to further define its mitigation standards and frameworks in the Final EIS to avoid confusion and promote consistency.**

Clear and consistent mitigation standards and frameworks would help eliminate much of the ambiguity and delay that WRR encountered during development of its GRSG mitigation program for the TWE Project. **Based on our experience, we suggest that BLM consider the following to ensure that the selected mitigation standards and framework provide appropriate mitigation that can be applied equitably to all projects:**

- The mitigation standard and approach should recognize and incentivize good planning and siting, as well as adherence to the mitigation hierarchy. **BLM should consider adding text to Alternative 5 that would significantly reduce or eliminate mitigation requirements for projects that commit to following the full mitigation hierarchy.** Table 2.10 provides an excellent example of this kind of approach. The table references that major ROW projects within "RMP-designated utility/ROW corridors" would not need to comply with disturbance caps at either the HAF fine scale or project level or compensatory mitigation. In this case, BLM appropriately identified that avoiding and minimizing impacts through the use of designated corridors, co-location with existing disturbance, or siting in unsuitable habitats is a more effective conservation tool than requiring a large amount of compensatory mitigation for impacts in new corridors.

- WRR agrees with BLM that no net habitat loss is the appropriate standard for mitigation. However, **BLM must better define "no net habitat loss" and the compensatory mitigation standards and ratios required to adequately achieve no net loss.** It is WRR's experience that without clear definition of the required mitigation standards and ratios, projects are subject to arbitrary mitigation multipliers and ever-changing agency and cooperator expectations. Better defining terms like no net loss and fully describing mitigation expectations up front will help ensure the application of consistent mitigation requirements across all projects and will create better alignment amongst cooperators and stakeholders.

- BLM uses the term "full restoration of functional habitats" in section 2.5.3 when describing no net habitat loss. The use of this term further confuses the definition of no net habitat loss as it is unclear how "full restoration of functional habitats" would be determined and quantified. **BLM should provide additional clarity on no net habitat loss and should avoid the introduction of additional ambiguous, undefined terms.** Clear definition of terms and standards for mitigation is necessary to provide consistency across numerous jurisdictions and habitat conditions to ensure that mitigation is appropriate and equitable.

- **BLM should clarify the required timing for mitigation implementation to avoid confusion and costly project delays.** In Section 2.5.3 and Table 2-5 BLM states that that mitigation must be implemented prior to project implementation. In Table 2-5, BLM states that its preferred mitigation is in the form of habitat restoration and/or improvements. These types of projects may take years to come to full fruition; therefore, BLM should clarify that "implementation" means the mitigation action has been initiated or funded prior to project impacts being realized. BLM should also clearly specify its expectations for monitoring, durability, duration, and other mitigation standards, to ensure that all projects and actions are consistently implemented and not subject to differences in interpretation across states, field offices or agency staff.

- **BLM should consider only actual, scientifically verifiable direct and indirect GRSG impacts when evaluating disturbance caps and assessing mitigation.** The GRSG Table 2-7, page 2-31 of the Draft EIS arbitrarily states that the full corridor under the width of transmission line conductors would be considered disturbed for purposes of calculating disturbance caps. WRR does not agree with that assumption and is not aware of any literature supporting such an assertion. WRR requests that BLM provide scientific support for the claim that the entire area under conductors should be considered disturbed in the same manner that a road surface, well pad surface, or transmission structure pad surface is disturbed – all of which are actual physical disturbances dissimilar to a transmission line right-of-way in both disturbance and use. In transmission line construction, the area under the conductors is generally left undisturbed and is available for use by sage-grouse and other wildlife species and should be recognized as such. In fact, considering this area to be disturbed when evaluating disturbance caps and assessing mitigation is counter to the avoidance and minimization portion of the mitigation hierarchy. If all portions of a transmission line under the conductors are considered disturbed for purposes of calculating the disturbance cap or developing mitigation requirements, what is the incentive for a project developer to avoid and minimize the construction footprint or to selectively remove vegetation in sensitive habitats?

- WRR appreciates that BLM has identified that siting within "RMP-designated utility/ROW corridors" in Alternative 5 reduces or eliminates the need for compensatory mitigation for transmission lines. The mapping in the GRSG Draft EIS should be modified to clearly identify these RMP-designated utility/ROW corridors where siting is incentivized. The corridors seem to be shown only separately on Maps 2.42 a and b (Major Rights-of-Way) and Maps 2.60 a and b (Utility Corridors); these maps are quite dissimilar making comparison difficult and the corridors do not appear to match precisely. **WRR suggests that BLM clearly identify RMP-designated utility/ROW corridors on one map and clarify precisely where these corridors can be found in Table 2-10.**

WYOMING Renewable Resources

4. **WRR believes that BLM must consider a different approach to adaptive management for the greater sage-grouse management program to be successful.**

WRR appreciates BLM's incorporation of an adaptive management process into the GRSG management plans. WRR agrees that adaptive management is needed to build flexibility into the management plans to allow for response to changing conditions. However, for the reasons set forth below, WRR believes that the adaptive management program described in the GRSG Draft EIS will be difficult to implement as currently proposed. WRR is concerned that BLM's proposed use of the Targeted Annual Warning System (TAWS) framework for adaptive management is flawed and that the prescriptive measures and scale of the proposed management response is disproportionate and inflexible. **WRR offers the following comments and suggestions for BLM's consideration in an effort to improve the proposed adaptive management process.**

- **BLM should reconsider its proposed triggers and the scale of the response in the adaptive management program described in the GRSG Draft EIS.** The adaptive management process identified in the GRSG Draft EIS is extremely prescriptive; this is likely to frustrate BLM's ability to consider local conditions and appropriately adapt its responses thereby defeating the intent of an adaptive management program. The program as drafted requires broad-ranging management actions, including complete cessation of development activities across wide ranging areas for long, potentially indefinite periods of time. These actions are based solely on BLM's evaluation of a single resource. BLM does not properly consider or disclose the impacts of these management actions, nor does BLM consider that its focus on a single resource might be detrimental to other resources that BLM is mandated to manage. This is in addition to the significant impacts, economic and otherwise, that such actions are likely to have on authorized development and BLM's own actions. The potential for long-term detrimental impacts caused by the proposed GRSG adaptive management triggers is not clearly disclosed or considered in the GRSG Draft EIS. Further, such wide-ranging actions based on single species management are counter to BLM's multiple use mandate and do not appropriately recognize existing, valid rights.

  Additionally, BLM's proposed adaptive management actions, i.e., ceasing all development activities for a potentially indefinite period of time, are likely more restrictive than those that would result from a listing of the GRSG under the provisions of the Endangered Species Act (ESA). If GRSG were to be listed, development projects would still be able to move forward after completion of ESA consultation and the application of reasonable and prudent measures and appropriate mitigation. While WRR is certainly not suggesting that a listing of GRSG is preferable or desirable, it is important for BLM to consider that its proposed adaptive management response may be more conservative than what is likely to be required under an ESA listing. Therefore, WRR suggests that BLM consider providing flexibility to allow qualified biologists to determine appropriate site-specific measures in response to adaptive management triggers.

- **BLM should eliminate the requirement for the agency to take specific actions, such as a prohibition on new authorizations, when trigger thresholds are reached.** Mandating prescriptive management actions in response to adaptive management triggers without proper agency discretion is ill-advised. First, by prohibiting new authorizations the BLM is limiting the tools that could be used to reverse the trigger conditions. As currently stated, BLM would not be able to implement new authorizations for restoration activities, vegetation treatments, etc. as most of those actions are discretionary actions that require a formal authorization and are not listed as exempt in the GRSG Draft EIS, even if completed internally by the agency. Additionally, BLM should consider that prohibiting new authorizations could be pre-decisional and detrimental for projects that are already underway and that are consistent with all RMP requirements. As described in section 2.5.3, the objective of Alternatives 3-6 is to achieve "at a minimum no net habitat loss (full restoration of functional habitats or enhancement of habitats such that it offsets the loss of capacity in impacted areas)." If this objective is in fact achieved, then the project-specific impacts would not contribute to the trigger or further impacts to the habitat or population and in fact could help reverse the trends through appropriately planned mitigation. Prohibiting new authorizations severely limits BLM's ability to make appropriate management decisions and may also pre-determine project outcomes. The adaptive management program adopted by BLM should establish triggers and set the objectives for adaptive management but should not prescribe specific actions that may be counter to these objectives.

- **BLM should allow for state-specific adaptive management approaches and thresholds consistent with existing state-run programs.** Population sizes, habitat conditions, and landscape resilience vary across and even within states. BLM should allow for consistency with state processes as the state-specific plans are informed by local expertise and habitat conditions. Successful management of a landscape-scale species that spans multiple land ownerships and jurisdictions requires a consistent approach and cooperation with state agency experts who are also mandated to manage GRSG populations. A state-specific approach to identifying appropriate adaptive management triggers consistent with the programs already in place would better ensure the coordinated actions necessary to successfully manage the species and habitat. **Additional comments and considerations supporting a state-specific approach that takes local knowledge and expertise into consideration, in place of the overly generalized program set forth in the GRSG Draft EIS, are as follows:**

    - **BLM should eliminate triggers based on neighborhood cluster.** Evaluation of adaptive management triggers at the neighborhood cluster introduces yet another spatial scale (HAF scales, state-specific analysis scales like Wyoming's DDCT, PHMA/GHMA scales, other state scales) at which to evaluate habitat and population trends. This could result in adaptive management responses that are inconsistent with the trends, conditions and responses being implemented at other scales. Simplification of scales of analysis and consistent adaptive management programs would reduce management complexity for field office and state biologists, decision makers, and community stakeholders.

- **BLM should consider state-specific and/or climate-cluster specific thresholds for habitat loss and population change rather than a single threshold that applies across all states and management areas.** A 5% loss of habitat in a cluster with a low population, limited habitat, low connectivity with adjacent clusters, and low landscape resilience may require a focused adaptive management response, in contract, a cluster with a high population, landscape resilience, and many leks may be able to easily withstand a 5% loss of habitat. Each population's response will be different depending on the number of individuals and habitats available.

- **BLM should consider a state-specific approach for the Population Trend Adaptive Management Threshold to reflect the realities of differing population size and resilience across states or climate clusters.** The BLM identifies that grouse abundance can be used as justification to reverse a hard or soft trigger but does not identify the methods that would be used to analyze abundance or the ability of a population to recover from decreases. Those details should be state-specific and should be clearly identified so that the public has adequate ability to comment on the appropriateness of the methods that would be used.

- **BLM should reconsider its proposed use of TAWS as the primary mechanism to inform adaptive management.**

  The issues with BLM's proposed adaptive management framework set forth in detail above are primarily attributable to BLM's use and implementation of the Targeted Annual Warning System (TAWS) approach to adaptive management. Use of the TAWS framework would:

  - Introduce yet another scale of management inconsistent with BLM's PHMA and GHMA management scales, state-specific habitat management and assessment areas, and HAF assessment scales. Using multiple scales, all with different boundaries overcomplicates management of the species and may not result in effective, balanced management actions.

  - Require suspension of all development activities within large "neighborhood clusters" upon exceedance of adaptive management triggers, regardless of the specific cause or extent of the disturbance. This response would unduly affect numerous unrelated projects, potentially also stopping ongoing conservation projects. This prescriptive, inflexible approach, while intended to reverse negative population trends, does not account for the nuanced and complex nature of ecosystem management and sage-grouse population dynamics.

  - Result in scenarios where BLM's evaluation of the cause for an adaptive management trigger exceedance could continue indefinitely, resulting in a de facto decision to prohibit development. This is exacerbated by the proposed requirement to restore habitats to a suitable condition prior to resuming development activities. The timelines necessary for habitat restoration following events like wildland fires could preclude land uses that may otherwise be developed under BLM's multiple use mandate for decades.

  In sum, BLM's proposed use of the TAWS framework is problematic. In place of TAWS, WRR encourages BLM to evaluate and where appropriate conform with existing state processes to provide a more collaborative and flexible approach to management. BLM proposes to rely on input and data from state agencies but does not consider an assessment or

WYOMING Renewable Resources

adaptive management framework that is consistent with ongoing state-led efforts that may be equally or more effective. Integrating insights from state wildlife agencies and other stakeholders, who have already highlighted the limitations of TAWS and offered alternatives, would provide a more dynamic and responsive habitat management strategy that supports both GRSG conservation and multiple uses of federal lands.

Thank you for your consideration of these comments on the GRSG Draft EIS. We look forward to continuing to work collaboratively with BLM to support the responsible development of renewable energy and transmission on federal and private land, in alignment with federal policies and goals. Please add me – kelly.cummins@tac-denver.com – to the GRSG Draft EIS mailing list.

Sincerely,

Kelly A. Cummins
Vice President, Land and Environment

June 13, 2024

Bureau of Land Management
ATTN: HQ GRSG RMPA
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Submitted online via https://eplanning.blm.gov/

RE: Greater Sage-Grouse Draft Resource Management Plan Amendment/Draft Environmental Impact Statement (Draft RMPA/EIS)

The Idaho Cattle Association (ICA) submits the following comment on the proposed amendments to the Bureau of Land Management's (BLM) Draft Resource Management Plan Amendment/Draft Environmental Impact Statement (Draft RMPA/EIS). These comments are submitted on behalf of our members who graze livestock on private, state, and federal rangeland and whose livelihoods provide uninterrupted landscapes, open space, and valuable wildlife habitat.

In reviewing the Draft RMPA/EIS, we acknowledge and appreciate the efforts that have been made by the BLM to work with the state of Idaho to bring the plan closer to state recommendations. Idaho has been a leader in collaborative sage-grouse conservation efforts and Idaho ranchers have proven themselves willing and able to come to the table to reach effective solutions for management concerns. To the extent possible, the BLM's plan for Idaho should mirror the collaboratively developed state plan and the alternative selected should be that which is in line with our state recommendations. We have participated in Idaho state-led efforts to review the Draft RMPA/EIS and ask that the final incorporate the state's recommendations. In addition to those comments, we ask that you also take into consideration the following concerns related more specifically to livestock grazing. Due to the short public comment period relative to the sheer volume of the Draft RMPA/EIS and related documents, we have attempted to focus our review and comments as they relate to livestock grazing.

<u>Summary of Key Concerns</u>
The following pages will provide more detail outlining our questions and concerns with the Draft RMPA/EIS. In an effort to provide a concise overview of those issues, listed below is a brief explanation of the areas of the Draft RMPA/EIS that our concerns are centered around or suggestions we have for improvement to the language.

1. Areas of Critical Environmental Concern (ACECs) should not be incorporated into sage-grouse management efforts.

2. Through permit renewal and the application of land health standards, BLM already has adequate processes in place to manage livestock grazing and take action when needed. The additionality of the development of thresholds and responses is redundant and could establish a workload for BLM that the agency cannot keep up with.
3. The inclusion of a 7" stubble height requirement in the Idaho Habitat Indicators Table is inappropriate and should be changed to "adequate residual cover".
4. The adaptive management process creates a system that would unfairly punish or restrict grazing without cause and as a result of the effects of other land impacts.
5. Rangeland improvement projects are important tools for grazing permittees and the BLM to manage grazing at optimal levels. This plan should not result in the reduction or elimination of range improvements and should not discourage their development.
6. The plan relies on the use of the Habitat Assessment Framework (HAF). There is potential for misapplication of this tool. It is important that the BLM uses multiple lines of evidence and data to support its monitoring efforts.
7. Lek buffers related to range improvements used for managing livestock should be removed from the document.
8. Livestock grazing provides a multitude of benefits to sage-grouse that should be accounted for in the Draft RMPA/EIS. Language that could be misconstrued to enable BLM field staff to restrict or reduce grazing when it is not a causal factor should be cleared up or adequately addressed in a follow-up Instructional Memorandum.
9. Alternative 3 is bad for sage-grouse, bad for the economy, bad for cooperative conservation efforts, and contrary to the BLM's multiple-use mandate. No parts of it should be incorporated into the final RMPA/EIS.

1. Areas of Critical Environmental Concern

ICA has several concerns with the addition of Areas of Critical Environmental Concern (ACECs) in Alternatives 3 and 6. In managing its land for a variety of uses and species, the BLM needs increased management flexibility in order to be more responsive to the land's needs at the local, site-specific scale. History has proven that special land use designations such as ACECs drastically inhibit the agency's ability to nimbly manage the land. Rather, they place stringent standards and restrictions on that land that stifles creative problem-solving and management flexibility. There is no reason for land to be managed even more strictly when adequate measures are already in place.

Evaluation Process - The evaluation process of ACECs is ambiguous and offers room for subjectivity. According to the updated Greater Sage Grouse Management Plans, nominated ACECs are evaluated for relevance and importance, stating that the presence of greater sage-grouse automatically makes the sites relevant. Population density, lek and habitat persistence, genetic uniqueness and connectivity, and amount of existing habitat disturbance and habitat quality were all listed as criteria for importance. However, no specific numbers were mentioned. For example, how low does the population density have to be for the site to be considered important? Furthermore, these terms are not defined, making them ambiguous and cryptic. Differing interpretations of relevance and importance makes this evaluation process inconsistent and concerning for those who rely on public lands for their livelihood.

Implementation and Management of ACECs - The discrepancies in ACECs continue in the process of implementation. There are no specific management principles in the BLM handbook regarding how ACECs should be conducted, nor is it adequately clarified within the Draft RMPA/EIS. This is problematic for a multitude of reasons. First, because there are no uniform expectations for ACECs, each one can be carried out differently. The lack of uniformity is problematic for the cattle industry, as there is no way for producers to know what restrictions will and won't be placed on the land. Even more concerning, the ACEC directions found in Alternative 3 of the Draft RMPA/EIS are incredibly stringent and restrictive. The expectation of BLM staff and landowners to go from having little to no guidance around ACECs to full restrictions is unrealistic and unnecessary. Furthermore, this creates an open path for an abuse of power when it comes to land use. If there are no prior norms for ACECs, what is to stop someone who is an anti-grazing activist from taking the right to graze away from a rancher whose family has stewarded the land for decades? How can cattlemen be ensured that those making decisions about ACECs are informed on how grazing is beneficial to sage-grouse? There is simply no way to ensure this, which is a disservice to Idaho's cattle producers. This is yet another way that ACECs are unrealistic, inconsistent, and should receive no further consideration.

Historically Inconsistent Management of the BLM - Historically, the BLM has not had the bandwidth to manage ACECs or educate their managers on how they should be implemented, making them ineffective, and once again, unnecessary. In a document dated 2022 by Michael C. Blumm, professor of Law at Lewis & Clark Law School, and Gregory A. Allen, a 2L at Lewis & Clark Law School, ACECs are analyzed. The document states the following: "BLM's failure to provide its managers with a uniform approach to discussing ACECs in RMPs makes it difficult for the public to identify even which areas have ACEC designations, let alone what ACEC protection requires of BLM." This poses an extreme threat to our producers, as there is absolutely no guidance on ACECs. Idaho's cattle producers have no avenue of voicing their opinion and protecting their livelihood, especially when local BLM staff has no information to provide them. Karin Sheldon, adjunct faculty at Colorado Law, makes a similar point. She says, "The absence of strong regulations and uniform guidance, coupled with the decentralized organization of BLM and certain of its management traditions, has resulted in a collection of ACEC designations without coherent administration." Not only are ACECs a disservice to ranchers who have stewarded the land for decades, they are also a disservice to their own employees. The BLM is simply spread too thin to try and enforce one more regulation, especially when adequate ones are already in place. As a result, they should be removed from this plan.

Nomination process - It is alarming that anyone from the public is able to nominate an ACEC, which was the case with the ACECs in this plan. We are particularly concerned with how the BLM's Conservation and Landscape Health Rule will further provide for the nomination and creation of ACECs and there are many uncertainties about how this will correlate with the sage-grouse plan. Without background knowledge of the benefits of livestock grazing and an understanding of a grazing system, the public cannot make educated nominations. Furthermore, the BLM emphasizes that anyone can nominate an area for an ACEC, yet there is no formal process for doing so (Blumm & Gregory, 2022). This once again opens the door for biases when there are no expectations for the process that ACEC nominations must go through.

ACECs Proposed in Idaho - The amount of land that is recommended for ACECs in this plan is of utmost concern for cattle producers. There are seven areas that are recommended for potential ACECs including geographical areas such as the Owyhee-Shoshone basin, Antelope Valley, Big Desert, and several others. These areas are vital as grazing lands for Idaho's cattle producers and the fact that they are recommended for ACECs is extremely worrisome. Furthermore, Alternative 3 is particularly alarming as it would take grazing off the table, despite the fact that research has proven that cattle grazing can actually benefit sage grouse populations. This is yet another reason, among several others, Idaho cattle producers are calling for ACECs to be taken out of this plan.

Sources:

Bluum, M., & Allen G. (2022). 30 by 30, areas of Critical environmental Concern and Tribal Cultural Lands. Environmental Law Institute.

Sheldon, K., & Baldwin P. (2017). Areas of Critical Environmental Concern: FLPMA's Unfulfilled Conservation Mandate. University of Colorado Boulder.

2. Thresholds and Responses

Alternatives 1,4,5, & 6 contain language that calls for the inclusion of specific thresholds and defined responses in the terms and conditions of grazing permits under various circumstances, varying by alternative. We are opposed to the creation of this new terminology and process which is redundant, not defined in regulation, and would establish a workload for BLM that the agency cannot keep up with. We request that the final plan removes any reference to threshold and responses and instead refers to the established process defined in BLM's Land Health Standards regulations.

The processes outlined in these alternatives for implanting thresholds and responses are unnecessary and redundant. Through its existing framework and rangeland health standards, BLM already has the adequate mechanisms in place to manage grazing in sage grouse habitat. If existing grazing management is meeting standards, then sage grouse habitat is being adequately managed and conserved. There should be no additional restrictions on grazing permits.

The institution of thresholds and responses goes outside the bounds of established regulation. The management of grazing permits is guided by 43 CFR. In these regulations, 4180.2(c)(1) outlines the steps to be taken if rangeland is failing to achieve standards. Under the existing regulatory framework, if an area is found to not be meeting standards and grazing is determined to be the causal factor, then additional terms and conditions are developed during the permit renewal process. This process gives BLM full ability to respond to and address management concerns and make management changes if a standard is not being met. Threshold and responses allow the BLM to add additional requirements and repercussions outside of the permit process. Grazing permit requirements are established to manage the landscape as a whole over time where thresholds and responses inappropriately bring focus on small areas that are likely not representative of the health of the landscape.

The addition of the undefined terms of thresholds and responses creates uncertainty for grazing permittees. Idaho permittees have already experienced the misapplication of thresholds and responses. In these experiences, the BLM has created responses that result

in unsuitable and draconian measures such as cutting permit numbers which is inappropriate outside of the permit renewal process.

It is also important to note that the desired outcome created by a response may not be achievable. In other grazing Management Actions proposed in the plan, the BLM makes good effort in underscoring that decisions are made at the site-specific level based on ecological potential using multiple lines of evidence. The opportunity for field staff at the local level to incorporate overreaching measures related to grazing is greatly increased through this threshold and response process. The creation of thresholds and responses is contrary to the U.S. Fish and Wildlife Service's (FWS) Conservation Objectives Team (COT) Report, upon with sage grouse management is predicated and which found that desired outcomes may not always be feasible.

Beyond these points, BLM is already not able to keep up with monitoring needs at the current level. It will not be possible for the agency to keep up with monitoring the addition of thresholds and responses to grazing responses. In turn, this will open the doors to more frivolous litigation directed at the BLM for not collecting the data they have been committed to by this plan, as currently drafted. The BLM is creating greater liability for itself by putting restrictions on paper that they cannot monitor or keep up with.

3. Habitat Indicators & Objectives

Rigid standards for livestock grazing are unnecessary. As we have learned over time, set, pre-determined measurement standards should not be required but rather the BLM should implement site-specific monitoring and adaptive management to leave an appropriate amount of growth on the ground at the right point in time.

The previous plans for Idaho contained language stating that "*the values may not be obtainable on every acre, and/or should consider local ecological ability*". This is an important qualifier that should be carried forward in the final plan. While the preferred alternative does refer to assessing the suitability of habitat at the mid and fine scale, we believe an additional line clarifying that there will be parcels of land within habitat management areas that are not capable of providing desired habitat characteristics due to ecological potential. Monitoring should always be done at the fine scale to determine the applicability of habitat objectives.

Habitat Indicators Table - We appreciate the inclusion language in Appendix 8 that clarifies how to appropriately apply the Habitat Indicators Table, particularly in 8.2 and 8.4. This language is important in underscoring that single indicators should not be used to determine overall habitat suitability, nor should a single indicator be used to modify grazing management. This will be important language to carry forward and underscore in the final plan.

Table 8.2.2 Idaho GRSG Habitat Indicators Table – We are very frustrated to see the reappearance of the 7-inch perennial grass height requirement for the nesting/early brood rearing habitat in Idaho's Habitat Indicators Table. We request that this language return to the 2019 language of "adequate residual nesting cover". Heavy emphasis on vegetation height without a comprehensive explanation in the documentation of the numerous reasons for variation in vegetation height will single out livestock grazing as the single impact. This is not realistic or defensible and vegetation height is not an effective measurement for long

term rangeland health. Grazing is but one of many factors influencing grass height with others including precipitation, soils and temperature. Set, pre-determined measurement standards should not be required but rather site-specific monitoring and adaptive management to leave an appropriate amount of growth on the ground at the right point in time. Annual variations, landscape variations, the technical intricacies of measuring stubble height, and other limitations make this standard a counterproductive way to address nesting cover.

Further, the Draft RMPA/EIS does not identify when residual cover measurements should be taken, nor does it identify that different standards apply at different times. The Connelly reference for 7 inches is to be used post hatch, not at nest-initiation. Consequently, these measurements would need to occur at the end of the growing season, allowing regrowth from fall.

Livestock Grazing and Nest Success – It is incorrect to assume that the presence of livestock can lead to sage grouse nest failure. Research shows that grazing is neutral, and sometimes even beneficial, when it comes to nesting success. A study located in Central Montana proved this idea. A researcher on the study wrote, *"We found little evidence that variation in livestock grazing or its effects on herbaceous vegetation was associated with nest site selection."* The study goes on to state the following: *"Rather, structural characteristics of the shrub community and anthropogenic features were the primary drivers of nest site selection, whereas periods of prolonged heavy rainfall and proximity to gravel and paved roads had the largest effect on daily nest survival."* Research continues to prove that cattle are not the culprit for a lack of nesting success, but rather offer benefits to greater sage-grouse and their habitats.

While yet to be formally published, the University of Idaho has conducted a ten-year study titled *The Grouse and Grazing Project.* The preliminary results of the study have shown that cows sharing nesting habitat with grouse on federal lands has no influence on nest success of greater sage grouse if grazing intensity is kept at current levels (University of Idaho, 2023). Furthermore, this study has also found that grazing increases the abundance of arthropods for sage grouse chicks to consume in their early weeks of life. This extremely comprehensive study is yet another resource that has proven the benefits of grazing to sage-grouse populations. ICA looks forward to exploring these results even further as the study is peer reviewed and published.

Furthermore, much of the research that supports the 7-inch stubble rule has proven to be unreliable due to an inherent bias in research strategies. According to David Naugle, Professor of Large Scale Wildlife Biology at University of Montana, in many studies, grass was measured around nests that were unsuccessful immediately after nest failure. Meanwhile, the grass surrounding successful nests wasn't measured for weeks later so as not to disturb the hen or the nest. This measuring technique completely ignored the fact that the grass is growing while the nest is in use and the eggs are incubating. Therefore, perennial grasses and forbs were measured at two very different times in the growing season, making an unfair connection between stubble height and failed versus successful nests.

Additional research indicates that residual heights of 3.5-3.9 inches are adequate prior to nesting (Hausleitner, 2005) Therefore, if measurements are taken of residual height in the

fall or just prior to nesting this standard should be applied instead of the 7-inch standard. The difference and the time of the monitoring is critical to accurately determining the health of the range in relation to sage grouse needs.

This was further proven by a study completed by Daniel Gibson from the University of Nevada-Reno. In a study titled "Evaluating vegetation effects on animal demographics: the role plant phenology and sampling bias" the following is stated: "*However, there is inconsistency among studies with respect to how successful and failed nests are sampled; some investigators elect to sample vegetation at or near the timing of fate, whereas others sample on a standardized date, such as the predicted date of hatch. Given that nesting often coincides with plant growth, the decision about when nests are sampled is potentially very important, as sampling at nest fate results in successful nests being sampled later in the growing season, on average, than failed nests"* (Gibson, et. al., 2016).

This sampling bias is extremely significant because cattle have long been accused of decreasing feasible nesting sites, when really the growing season of grass is what drives sage-grouse nesting success. The average height of grass changes from season to season based on temperature, precipitation, and soils, factors that cattle take no part in. For example, a study titled "Linking Conservation actions to demography: grass height explains variation in greater sage-grouse nest survival" which was conducted from 2003 to 2007 found that nest success was the highest in 2003 because there was an early, wet spring resulting in taller grass earlier in the growing season. The study also found that grazing can play a key role in increasing the sage-grouse nesting habitats. The study states, "*However, adjustments to duration and timing of grazing may also increase residual cover with the added benefit of increasing long-term rangeland health on which birds depend."* This once again proves that cattle should be used as a tool to help increase sage-grouse habitats, rather than seen as a threat to them.

In addition, prescribing the 7-inch standard stubble height requirement across the board is overly aggressive, when each area of the range has different needs. Especially when some sites may not even have the potential to grow to that specific height based on other environmental aspects affecting the range. Furthermore, there are several other factors that are more important for nesting success that do not include stubble height, one of the most important ones being sage brush density. According to the University of Nevada Reno, hens prefer communities with 15 to 38 percent sagebrush canopy cover and the amount of grass cover required can range from 3 to 30%. Furthermore, shrubs that provide an "umbrella effect" are preferred by hens. When the umbrella effect is sufficient, grass cover provides little to no additional benefit to nesting, meaning it does not matter what the stubble height is. Furthermore, according to Karen Launchbaugh, Professor of Rangeland Ecology at the University of Idaho, hens with successful nests can find sufficiently tall grass in grazed pastures. This is likely due to the patchwork pattern in which cattle graze, leaving variable grass heights in their tracks, which are vital to sage-grouse nesting sites.

Sources:

Effects of Livestock Grazing on Nesting Sage-Grouse in central Montana, J. Smith, J. Tack, L. Berkely, M. Szczypinski, D. Naugle, 2018.

Evaluating vegetation effects on animal demographics: the role of plant phenology and sampling bias. D. Gibson, E. Blomberg, J. Sedinger, 2016.

Linking conservation actions to demography: grass height explains variation in greater sage-grouse nest survival. K. Doherty, D. Naugle, J. Tack, B. Walker, J. Graham, J. Beck, 2014.

Sage Grouse Habitat Requirements. University of Nevada, Reno Extension.

Stepping Lightly in the Sage: researchers Learn Moderate Grazing Has No Effect on sage Grouse Nest Success. University of Idaho

Timing of Vegetation Sampling at Greater Sage-grouse Nests, Hausleitner, Doris, K.P. Reese, and A.D. Apa. 2005.

4. Adaptive Management

The Adaptive Management process, as outlined in Chapter 2, lacks details and creates some open-ended questions regarding the management of livestock grazing in sage-grouse habitat. Where the preferred alternative in the livestock grazing section establishes that livestock grazing must be determined to be a causal factor before any management changes are required, the Adaptive Management section contains language that could be construed to require changes to grazing management whether or not grazing is a causal factor.

We reassert that any changes to grazing management should follow the processes established in CFR 43. We also request that the following language found in the 2019 plan at MD LG 16 related to adaptive management and livestock grazing be reinstated: "*Adaptive management changes related to existing grazing permits should be undertaken only where improper grazing is determined to be the causal factor in not meeting habitat characteristics, specific to site capability, based on monitoring, with appropriate spatial variability*."

Of specific concern in this section is the description of adaptive management responses in the following areas:

2-125 "*Existing permitted activities can continue unless those activities are causing mortality to GRSG or direct loss or degradation of occupied GRSG habitat*." And "*New authorizations, or reauthorization of existing permits can then be considered if similar activities were not contributing to factors resulting in meeting either a population or habitat threshold."*
These statements imply that an existing grazing permit could be revoked, which should never be an option, even if livestock grazing is a causal factor in not meeting standards. Beyond that, the language could allow a rogue field staff to make dramatic changes to a grazing permit if they perceive grazing as a problem, whether or not it has been proven to be a causal factor through the due process of monitoring and assessments.

2-122 "*If the neighborhood cluster cannot be restored to original sagebrush conditions and/or habitat function due to ecological or disturbance limitations (e.g., intense fire killed soil microfauna, dense anthropogenic activities) restoration and/or habitat enhancement in adjacent neighborhood clusters can be considered to increase the number of GRSG supported in those areas*."
This section implies, or could be interpreted, that management changes could be made to grazing in areas adjacent to those which have been impacted by fire. It is not appropriate to make changes to grazing management to mitigate for the impacts in other areas.

2-126 "*Exceptions to limitations imposed for exceeding thresholds include: … Grazing permits that will expire within the same year the threshold is identified. A permit or lease to extend the current grazing practice for less than 10 years may be renewed until the causal factor analysis is completed. If grazing is not determined as a causal factor to an adaptive management threshold, grazing permit or lease renewal can proceed normally. If grazing is a contributing cause to an adaptive management threshold, the terms and conditions of the grazing permit or lease will need to be examined and based on the outcome, would need to appropriately be modified to reduce or eliminate the impact."*
Why is specific reference to grazing permits even referred to within this section? Grazing is not considered a primary threat, yet this language treats it as though it should be managed as one.

2-128 "*If habitat assessment determines the PHMA (and IHMA) influenced by the wildfire can no longer support GRSG populations at levels prior to the wildfire, new infrastructure projects or permits may be deferred if consistent with applicable law (such as the Mining Law of 1872), and valid existing rights until an assessment demonstrates the habitat can support GRSG at the levels that existed prior to the wildfire event have been restored."*
This section could allow for existing grazing permits to be cancelled or modified if a wildfire has affected sage-grouse habitat, as it certainly will do. It is imperative that this language is removed or cleaned up so that other land uses are not held accountable to the impacts of fire.

2-128 *"Inconclusive CFAs: If no cause for a habitat or population decline can be determined the BLM may consider implementing additional restrictions on existing or new authorizations in the area…"*
The BLM should not be enabled to place additional restrictions on grazing permits or make changes to grazing management without direct evidence and process proving that grazing is a causal factor. The BLM should not make changes to grazing management with inconclusive evidence under any circumstance.

5. Rangeland Improvement Projects

Rangeland improvement projects are important tools for grazing permittees and the BLM to manage grazing at optimal levels. It is important that the implementation of this plan does not result in the reduction or elimination of range improvements, nor should the plan discourage their development. Livestock Grazing Management Action RM-4 states: "*Consider removal or modification of projects that negatively affect GRSG or GRSG habitat.*" We recommend that this line be removed. Otherwise, it might facilitate the removal of range improvements that serve useful purposes in managing livestock, which in turn reduces the threat of the primary impacts to sage grouse such as fire and invasive species. Nothing in this plan should be able to be used as a tool to dissuade the use and development of range improvement projects, which serve as effective tools in managing livestock for the good of the rangelands.

In Appendix 15 at 15.1.3 Design Features for Range Developments, it states that new livestock handling facilities must be located "*away from active leks and outside of nesting habitat at least by 1.2 miles*." This should be accompanied by a qualifier stating, "to the extent possible." In many cases, siting at such a distance may not be possible due to allotment boundaries, etc.

The same section, 15.1.3, also says to "*Identify and close roads and trails that are not needed for range development maintenance*". In the face of expanding recreation pressures on BLM land, we recognize the importance of BLM managing the use of its roads and trails. However, many of those existing roads and trails are used for livestock management beyond range development maintenance. Those roads should not be closed. If roads are closed to recreation, permittees should be given approval to use those roads for permit management.

6. Monitoring and the Habitat Assessment Framework

Adequate and correct monitoring will be key to implementing this plan correctly. However, given the current limitations on BLM staff availability, combined with other regulatory actions that the BLM is undertaking, we are concerned about the ability of the agency to implement the plan.

Livestock Grazing Management Action RM-2 relies on the use of the Habitat Assessment Framework (HAF). Because we have concerns with the application of the HAF, we appreciate the language within this section that also calls for the use of "*other approved methodology to provide multiple lines of evidence*" and ties the HAF assessment "*relative to site potential*". Based on the experience of Idaho grazing permittees in the past, we know there is potential for misapplication of this tool. HAF creates a narrow focus on a specific, plot level site and extrapolates that information to the allotment level. What a specific site looks like is not an indicator of success on the allotment scale. It should not be the sole determinative factor of sage-grouse habitat quality nor of grazing impacts. HAF can be a tool to inform the data, but it should never be the only tool used to assess land condition and habitat suitability.

There have been instances where HAF data has been collected at inappropriate sites because of ESD layers incorrectly indicating sage grouse habitat. For example, in an area that has burned multiple times, BLM staff is collecting HAF data, ignoring the current state that the ecological site is in, and then comparing it to a pristine ESD. In this instance, HAF monitoring should not even occur. In areas of non-habitat, where the ecological site does not support sage-grouse, HAF data should not be collected, and maps should be updated. Moving forward, it is critical that BLM staff are adequately trained in the use and application of HAF. We suggest that BLM creates an Instructional Memorandum to clarify how and when HAF can be used appropriately.

7. Lek Buffers

Throughout all the past sage grouse planning processes, we have repeatedly expressed our concern related to lek buffers on range improvements. Range improvements allow greater management flexibility and thereby improved management of the rangeland. Creating a buffer on those improvements inhibits proper grazing management and is contrary to sage grouse conservation efforts. At the local level, the BLM needs the flexibility of having greater tools to determine management.

We have heard countless anecdotes from ranchers across Idaho who have observed increased lek attendance directly in areas where the range improvements exist, such as stock ponds, water tanks and troughs, and pipelines. In many cases, range improvements and sage-grouse work symbiotically. In any future analysis regarding lek buffers and range improvements, the BLM needs to consider history of that range improvement and how it has impacted lek attendance. The automatic assumption should not be made that just because it

exists, it must be bad for sage-grouse. Assessment of range improvements and their distance requirements from leks should not be prescribed at this programmatic level but rather conducted through a site specific NEPA process.

It is essential that the BLM and grazing permittees continue to have the ability to use range infrastructure to manage sage-grouse habitat and to maintain existing infrastructure. Lek buffers related to infrastructure used for managing livestock should be removed from the document.

8. Benefits of Livestock Grazing

Livestock grazing provides a multitude of benefits to sage-grouse that should be accounted for in the Draft RMPA/EIS. Language that could be misconstrued to enable BLM field staff to restrict or reduce grazing when it is not a causal factor should be cleared up or adequately addressed in a follow-up Instructional Memorandum.

On page 2-103, the plan states that "*Improper grazing may also work synergistically with other threats, such as invasive plants and wildfire, increasing impacts from those sources*." While the language preceding this statement does acknowledge that grazing "*can be compatible with GRSG persistence*", we believe this plan should go further in explaining the benefits of grazing. It should also be noted that grazing is an important and effective management tool in limiting the impact of these threats, as outlined below.

A. Livestock Grazing is an Important Tool to Prevent Catastrophic Wildfire

Livestock grazing on BLM lands plays an essential role in fuels management and wildfire control. Grazing reduces the threat of catastrophic fire by reducing fine fuels. It removes the overgrowth of forage which is the primary fuel for many wildfires. Again, management flexibility is needed to manage the landscape in such a way to be responsive to reducing fuel loads. Biomass, which fuels wildfire, can be substantially decreased by both grazing and livestock trampling over it. In turn, this decreases intensity, frequency, and extent of wildfires, providing more time for fires to be put out.

A study was conducted across California's rangelands on the effects of cattle grazing on fuel loads. It was estimated that cattle removed 11.6 billion pounds of non woody plant material. This varied between 174 and 1,020 pounds per acre (Ratcliff, et al., 2022). This removal of fuel loads not only decreases the fuel that causes wildfires to start, but it also makes a significant difference in flame length if wildfires do happen, making them much easier to manage and put out. The study also found that because cattle graze in a patchwork pattern, fire behavior is significantly altered. If grazed areas do happen to burn, the patchy fuels tend to slow fire extent and speed. This once again makes fire easier to put out and provides ample time for responders to react.

Another study conducted in Eastern Oregon on the Northern Great Basin Experimental Range also explored the relationship between grazing and wildfire risk. The outcomes of the study confirmed several realities about the benefits of grazing cattle as an ecological tool. The results state the following: *"Reducing the probability of fire ignition, burn, and spread may result in fewer ignition events, thereby decreasing fire frequency. Of those ignitions that occur, grazing can slow the spread of fire, aiding suppression efficacy and reducing the frequency of large, catastrophic wildfires. Our results reinforce prior research suggesting that cattle grazing, at landscape scales, has the potential to limit wildfire spread and size, decrease*

fire intensity and severity, thereby increase prospects for more effective fire suppression in Wyoming big sagebrush steppe communities, as well as rangelands across western North America" (Orr, et. Al., 2022).

Each of these scientific examples proves the significance of using grazing as an ecological tool to protect greater sage-grouse. It would be a disservice to sage-grouse if grazing wasn't implemented as a way to protect their habitats.

Additionally, livestock can be used even more intentionally to create healthier ecosystems. One way that cattle can directly affect the range is through targeted grazing to create fire breaks which are strips of land where vegetation has been significantly reduced to slow the speed of fire. Sites for fire breaks are selected very deliberately, ensuring that they do not disrupt other habitats. Cattle are the most sustainable and least disruptive way to accomplish the goal of creating fuel breaks to slow down wildfires, as opposed to mechanically removing material or the application of chemicals. Pat Clark, a rangeland scientist with the USDA ARS, conducted a study on the effectiveness of targeted grazing to create fuel breaks at nine sites in three different states, including Idaho. One of the sites, located near Boise, Idaho, used water, salt, and herding to entice cattle to graze along the fire break, excluding the need for fencing to accomplish this goal. Fire breaks, created courtesy of cattle, have proven to be effective in protecting sage Grouse habitats, proven in an instance near Elko, Nevada. Clark says, *"The Boulder Creek fire started upwind and downslope of one of the study's fuel breaks near Elko. The fire burned through cheatgrass before arriving at the fuel break. The fuel break slowed the spread and intensity of fire enough for firefighting resources to hold the fire on a road in the center of the fuel break. If the fire had continued to burn, it likely would have burned into sage-grouse habitat."*

Sources:
Cattle grazing reduces fuel and leads to more manageable fire behavior. F. Ratcliff, D. Rao, S. Barry, S. Dewees, L. Macaulay. R. Larsen, M. Shapero, R. Peterson, M. Moritz, L. Froero.

Grazing Intensity Effects on Fire Ignition Risk and Spread in sagebrush Steppe. D. Orr, J. bates, K. Davies.

Livestock Grazing Effects on Fuel Loads for Wildland Fire in sagebrush Dominated Ecosystems Eva K. Strand, Karen L. Launchbaugh, Ryan F. Limb L. Allen Torell

USDA Climate Hub. (n.d.). Targeted grazing for wildfire fuel breaks. Targeted Grazing for Wildfire Fuel Breaks | USDA Climate Hubs. https://www.climatehubs.usda.gov/hubs/northwest/topic/targeted-grazing-wildfire-fuel-breaks

B. Livestock Grazing is an Important Tool for Managing Invasive Species

Livestock grazing ensures results in effective weed control, another one of the primary threats to sage grouse. Grazing is an effective tool to manage a wide variety of forage, spurring growth of perennial grasses. Well-managed grazing has been scientifically proven to have a positive impact in decreasing invasive species like cheatgrass. The timing and intensity of grazing for such efforts requires flexibility in management that an overly prescriptive sage grouse land use plan would prohibit, thereby blocking an effective method of controlling a primary threat to sage grouse.

A significant challenge on rangelands of the Western U.S. is managing non-native annual grasses. Oftentimes, controlling invasive plant species and wildfire go hand in hand, as invasive annual grasses are potent fuel for wildfires, which, as established above, grazing is an effective tool in limiting. Cheatgrass and medusahead, two of the most problematic invasive annual grass species, can be preferentially consumed by livestock if grazing is applied at the correct time of year. These grasses reproduce by seed; therefore, if the seed heads are removed in the spring while they are still green, they cannot reproduce. This can be accomplished by implementing spring grazing on rangelands (Mosley & Roselle). Not only does having cattle graze these species in the spring reduce their likelihood of reproduction, but it also creates space for native, beneficial plants to grow. Without grazing, invasive annual grasses can take over the landscape, which poses a large threat to greater sage-grouse. Having cattle graze the area is the most sustainable and realistic way to prevent this from happening.

A dangerous misconception is that cattle increase the proliferation of cheat grass on rangelands. This couldn't be further from the truth, as cattle play an important role in decreasing the amount of cheatgrass on rangelands. In fact, Kirk W. Davies at Oregon State University found that complete grazing exclusion can promote exotic annual grass invasion in some situations. This means that by not grazing the land, cheat grass has a higher likelihood of taking over the landscape. This shows that taking cattle off the land is incredibly harmful and can lead to takeover by invasive species.

The University of Nevada Cooperative Extension also facilitated a study to understand the feasibility of using fall grazing as a tool to reduce cheatgrass. Their results found that after two years of grazing, cheatgrass density was 63 percent less on grazed sites and only 48 percent less on ungrazed sites. While the overall decrease was likely due to a climatic effect between the two years of the study, there is a 95 percent probability that the 15 percent greater decline on the grazed land was due to it being grazed in the fall (Foster, et. al.) This evidence proves that cattle are key in reducing cheatgrass.

Sources:

Cattle Grazing as a Biological Control for Broom snakeweed: Vegetation Response. M. Ralphs, J. Banks.

Reducing Cheatgrass Fuel Loads Using Fall Cattle Grazing. S. Foster, L. Schmelzer, J. Wilker B. Schultz, K. McAdoo, S. Swanson, B. Perryman.

Saving the sagebrush sea: An ecosystem conservation plan for big sagebrush plant communities. K. Davies, C. Boyd, J. Beck, J. Bates, T. Svejcar, M. Gregg

Targeted Livestock Grazing to Suppress Invasive Annual Grasses. J. Mosley, L. Roselle.

9. Alternative 3

Alternative 3 excludes grazing from all areas of PHMA. This is a ludicrous proposal and the BLM should not incorporate any parts of it into the final plan. In section 7 above, we enumerated the benefits of grazing related to the primary threats to sage-grouse. Livestock grazing also provides many additional benefits to sage-grouse habitat, to the landscape, and to the economy. For these reasons, and those identified below, an alternative which

considers the removal of grazing as a means to benefit sage grouse provides a false narrative.

Benefits to Ecological Communities - A thriving ecosystem is vital to the success of greater sage-grouse habitats, and cattle play an important role in ensuring ecological communities are healthy and habitable. One way that cattle contribute to creating a healthy environment is through nutrient cycling, which is a driver of a sustainable ecosystem. According to the Noble Research Institute, cattle return 85% of the nutrients that they consume back into rangelands. A study on the relationship between grazing and nutrient cycling drew the following conclusion: "The significantly higher soil C in the grazed grasslands compared to ungrazed suggests that the improved grazing management employed after the Dust Bowl has greatly accelerated C accumulation during restoration of the NGP" (Wang, et. Al., 2016). This indicates that proper grazing management practices results in more carbon being put back into the soil, in turn creating healthier plants and habitats. Soils with a higher carbon content tend to have a higher water holding capacity, which can extend plant life and energy (Teague & Kreuter, 2020).

In addition to nutrient cycling, grazing can also have a positive influence on biodiversity. According to an article written by South Dakota Extension Range Specialists, moderate grazing and trampling can increase plant diversity by decreasing the ability of one species becoming dominant (Ehlert, 2020). Rangelands require multiple organisms to sustain sage-grouse populations, including cattle.

Cattle can also play a role in maintaining topsoil on the range, preventing the risk of soil erosion. A study conducted in Texas concluded that "With enhanced management of grazing resources*, domesticated ruminants can be used to produce higher permanent soil cover of litter and plants, which are effective in reducing soil erosion and increasing net biophysical carbon accumulation"* (Teague & Kreuter, 2020). This is yet another benefit cattle can provide to the environment, improving plant productivity and sage-grouse habitats.

Sources:
Biodiversity on Rangelands: What Role does Grazing have? Krista Ehlert.

Grazing improves C and N cycling in the Northern Great Plains: a meta-analysis. X. Wang, B. McConkey, A. VandenBygaart, J. Fan, A. Iwaasa, M. Schellenberg

Managing Grazing to Restore soil Health, Ecosystem Function, and Ecosystem services. R. Teague & U. Kreuter, 2020.

Food Sources for Sage-Grouse – Another benefit of grazing livestock near sage-grouse habitats is that when cattle are present, the population of arthropods tends to be higher. This is important because the majority of the diet of a sage-grouse chick in its first four weeks of its life is made up of arthropods. Furthermore, sage-grouse are unable to digest other protein sources such as seeds and nuts, further increasing the importance of having insects present as a source of protein. As a result, the higher amount of arthropods that are present, the higher chances of survival there are for young sage grouse.

Researchers from Montana State University recently conducted a study on abundance of arthropods in pastures with three different treatments: deferred pastures in the rest phase

of a rest-rotation grazing system, grazed pastures where livestock were present, and idled pastures where no livestock grazing had taken place for more than a decade. The results found that the class of arthropods preferred by sage-grouse were 13% more prevalent at the two managed sites. Furthermore, lepidopteran larvae, which are of great importance to birds such as greater sage- grouse, were lowest on the idled land. (Hayes, et. al., 2019).

Sources:
Ground-Dwelling Arthropod Community Response to Livestock Grazing: Implications for Avian Conservation. Hayes B. Goosey, Joseph T. Smith, Kevin M. O'Neill, David E. Naugle

Tracking Grazing Impacts on Sage Grouse Good. University of Idaho.

10. Other Issues

Drought

15.1.4 Drought Response says, "*If livestock grazing is deferred due to drought, reevaluate vegetation and GRSG habitat indicators that measure GRSG habitat prior to reauthorization of grazing*." It is important for the BLM to acknowledge that drought is not a permanent situation. We are concerned that this language would make it difficult for permittees to resume grazing at their permitted levels after a period of drought.

Mapping

We appreciate that the BLM worked closely with the state of Idaho in reviewing and revising the habitat management areas. The review of the maps must be an ongoing process, especially to ground-truth the mapping layers with what is actually happening on the ground. For example, if the land has transitioned to cheat grass due to fire, it should no longer be considered sage grouse habitat.

Trailing

Appendix 15 contains a Best Management Practice (BMP) regarding trailing livestock. We agree with the changes that have been made to this language to make it more concise. We want to ensure that it will not be misinterpreted to restrict movement of cattle within an allotment. This will probably have to be done on a case-by-case basis, but it is important that field staff don't use this BMP as an unnecessary hammer.

Disturbance Caps

The first paragraph under **4.8.5 Alternative 4** on page 4-73 creates some confusion as to how disturbance caps relate to livestock grazing. While the verbiage in the whole paragraph is unclear, this sentence is particularly confusing: "*There would be no exceptions to the 3 percent PHMA (and IHMA) disturbance cap at the HAF fine scale habitat selection area, which would limit removal of forage or disturbance livestock at this scale."* The way this reads, grazing would be limited due to the 3% disturbance cap. Disturbance caps should not apply to livestock grazing or grazing-related infrastructure.

Conflicting Language

The language on page 4-74 in the second paragraph under **Livestock Grazing Management** Is contradictory to the process for managing grazing as outlined in Chapter 2. It says, "*This could lead to prohibition of range improvement construction as well as adjustments to existing AUMs to meet these management objectives. As such, there would be increased flexibility to*

adjust the terms and conditions of grazing permits conditions to help avoid or reduce impacts to GRSG or habitat." This sentence is contradictory to the language preceding it. Changes to grazing management should only be considered if livestock is determined to be a causal factor in not meeting standards. Beyond that, as described throughout this document, the prohibition of range improvements should not be considered as a response to not meeting standards. In many cases, additional range improvements could be used to resolve the underlying issue.

This is just one example of an instance where the descriptive language in the plan both contradicts itself and elevates grazing as a primary threat. Due to the limited comment period and the length of the documents to review, there are certainly many more instances where this has occurred, but we did not have time to read through every page.

Mitigation

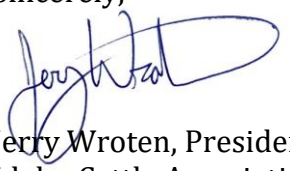
We appreciate that mitigation is directed to occur "*within the same area of the impact*" as a project that impacts sage grouse habitat. We remain concerned that reducing or restricting grazing could be seen as a mitigation tool for large-scale impacts and want to ensure that the plan does not provide for such action. Livestock grazing plays an integral role in the ecosystem of western rangelands in benefiting the land and wildlife and its removal or reduction should not be considered an acceptable mitigation option. Rather, the agency should utilize livestock grazing as a mitigation tool to reduce the risk of catastrophic wildfire, improve forage, remove invasive species and provide open space. An additional concern comes from language in Table 2.5 on page 2-23 that states *"Where restoration is not possible, preservation (e.g., conservation easements, acquisition of inholdings) can be used to offset impacts…".* The BLM should not be in the business of acquiring private land in the name of mitigation, or for any other purpose. The agency is already unable to keep up with the workload of managing its current land and should not seek to acquire more. ICA has strict policy in opposition to acquisition of private lands by governmental agencies due to the detrimental effects on local governments, local economies, and adjacent landowners. We also want to be sure that this plan does not facilitate private and non-profit organizations serving as conduits for BLM for acquisition of private land.

Conclusion

Thank you for the opportunity to provide comment on this Draft RMPA/EIS. In addition to these comments, we have also reviewed the comments of the State of Idaho and participated in the development of industry-wide comments submitted by the Public Lands Council/National Cattlemen's Beef Association and we encourage your careful consideration and inclusion of those comments also.

We hope that you will incorporate our ideas and address our concerns into the final RMP/EIS. Please do not hesitate to contact us if you need further information or have questions about these issues.

Sincerely,



Jerry Wroten, President
Idaho Cattle Association

June 12, 2024

c/o Patricia Deibert, National Sage-Grouse Conservation Coordinator
Bureau of Land Management
BLM Utah State Office
ATTN: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, Utah 84101

Submitted Electronically to: BLM ePlanning, https://eplanning.blm.gov/

RE: Bureau of Land Management Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning

Dear Sage Grouse Plan Revision Team:

Colorado Cattlemen's Association (CCA) and Colorado Public Lands Council (CPLC) represents the majority of public lands permittees in the state of Colorado, and with this representation, we offer the following comments regarding Greater Sage-Grouse Rangewide Planning:

Colorado has been a leader in the Greater Sage Grouse arena for decades and have clearly demonstrated that local, regional, and state partnerships have stabilized the population. CPLC *generally* prefers Alternative 2, which most closely resembles the 2019 GRSG plan amendments. Successful work between Western States and the BLM (and USFS, where applicable) is key to the success of GRSG habitat management across the board. Alternative 2 provides a planning framework that enables site-specific approaches to ensure practices match on-the-ground needs. To that end, we offer the following feedback on the alternatives, and additional considerations below.

ALTERNATIVE 1

Alternative 1 is unsuitable for further consideration, and we oppose the advancement of the tenets included.

ALTERNATIVE 2

Alternative 2 most closely resembles the 2019 plan amendments, which were widely hailed as significant improvements on the ill-fated 2015 amendments. As noted in Chapter 2 of the plan, the U.S. District Court of Idaho's injunction has blocked full implementation of the 2019 amendments. The 2019 amendments addressed some of the key failures of the 2015 plans, including coordination with states, consolidation of habitat designations to reduce management restrictions, and utility of updated science.

ALTERNATIVE 3

BLM categorizes Alternative 3 as the alternative with the "greatest measures to protect and preserve GRSG and its habitat." This alternative is neither based in science nor supported by the agency's authorities under FLPMA. The identification and intention to designate more than 11 million acres of Areas of Critical Environmental Concern (ACECs) coupled with the restriction of use of habitat to the vast majority of multiple uses immediately makes it impossible for the BLM to adhere to FLPMA's requirements to manage landscapes for multiple use, but will result in undue degradation of those 11 million acres – and more. The undersigned object to this alternative. Additional issues include:

- Implementation would require increased fencing to separate federal and nonfederal lands resulting in possible habitat fragmentation, increased collision risks, increased opportunities for GRSG predators. Further, removal of grazing could allow for the buildup of fine fuels, which may increase the risk of a large-scale wildfire that would damage or destroy large areas of GRSG habitat.[1]

ALTERNATIVE 4

While this alternative does not automatically reconsider whether an area would be made available for grazing simply due to the presence of GRSG habitat designation of some kind, this alternative does consider (as does Alternative 5) additional planning instruction to consider thresholds and responses during the grazing permit renewal process. The undersigned herein raise concerns about the thresholds and responses that BLM suggests, particularly in light of other ongoing planning efforts that affect permittees ability to engage with the agency and their permit with any degree of predictability.

ALTERNATIVE 5

Like Alternative 4, there are concerns with direction of threshold and response consideration here. As the agency's preferred alternative, the undersigned offer the following comments with respect to components in this alternative that impact federal lands grazing and permittees' role in habitat management:

- BLM must increase management of horses and burros under the Wild Free-Roaming Horses and Burros Act (WFRHBA) in order to mitigate habitat loss. Components of restrictive alternatives call for removal of horses entirely for priority habitat areas; the undersigned support removal of significant numbers of horses to return Herd Management Areas to low Appropriate Management Levels (low AML) to mitigate loss both for GRSG and for all other species.

ALTERNATIVE 6

Similar to Alternative 3, CCA and CPLC object to the utilization of ACECs as a proxy for removal of multiple use in the name of "conservation". Layering in limited management in the restrictive ACEC designations with continued utility of PHMAs – which also restrict management – would similarly limit BLM's ability to engage in any meaningful continuation of multiple use management. The undersigned object to the selection of this alternative.

General Comments

Role of Grazing

In the ten years since the first planning effort, a significant body of work has been developed to analyze the relationship between GRSG habitat and grazing activity. The definitive conclusion is that managed grazing is not only compatible with GRSG populations and habitat requirements, but crucial to the survival of GRSG chicks, particularly in times of drought where early food sources may be scarce. While the plan references limited literature related to this interaction, the undersigned recommend more robust evaluation of longitudinal studies, like Conaway et al. 2014-2024

Multiple scientific studies document livestock grazing and GRSG conservation can do beneficially co-exist. Top threats to GRSG include rangeland wildfire, invasive weeds, and development pressure, not livestock grazing. Livestock grazing is not even in the top-ten list of threats. Yet, despite this BLM has imposed landscape-wide regulatory changes on the grazing livestock industry for purposes of conserving habitat for a single species through an inflexible framework that is overly restrictive and fails to account for site-specific conditions necessary to make informed decisions. The GRSG land use plan amendment (LUPA) process elevates livestock grazing as a priority threat, even though improper livestock grazing is listed only as a secondary threat. Livestock grazing is a secondary threat and only when done improperly and thus not subject to wholesale regulatory changes detailed in this document.

Moderate livestock grazing (e.g., grazing that balances the intensity, frequency, duration, and timing of grazing with variable vegetation/ forage resources) that supports the persistence of perennial bunchgrasses, has been shown to be compatible with sage-grouse population metrics (Boyd et al., 2014; Dettenmaier, 2018; Doherty et al., 2021; Smith et al., 2020, 2018a, 2018b). Sage-grouse have been found to be generalists, exhibiting great flexibility when selecting habitat at the fine scale. This fine-scale vegetation, such as bunchgrass cover or shrub structure, does not influence nest success consistently and has weak effects on nest site selection according to a range-wide meta-analysis (Smith et al., 2020). Optimum sage-grouse habitat consists large tracts of land encompassing diverse seasonal habitats (Knick and Connelly, 2011), including healthy tracts of sagebrush that include an herbaceous understory composed of large perennial grasses, perennial forbs, and insect food resources during the nesting season (Boyd et al., 2014; Crawford et al., 2004). Thus, management objectives for sage-grouse and grazing should focus on promoting vegetation conditions that promote resiliency to ecosystem-scale threats such as wildfire and resistance to exotic annual grasses rather than fine-scale vegetation metrics. Not only is livestock grazing the primary land-use in sage-grouse habitat, but it can also be employed strategically to improve or maintain rangeland condition by addressing these range-wide threats. Grazing can be used as a tool to reduce the risk of habitat loss from wildfire (Davies et al., 2022, 2015, 2010; Diamond et al., 2009; Orr et al., 2023; Thomas and Davies, 2023), and from invasive annual grasses (Davies et al., 2021b, 2021a; Schmelzer et al., 2014), or to improve habitat by increasing insect food resources (Goosey et al., 2019; Richardson et al., 2023). Properly managed livestock grazing allows for the maintenance of perennial bunchgrasses (Boyd

et al., 2014; Miller et al., 1994), which are key to promoting ecosystem resilience of sagebrush rangelands (Johnson et al., 2022) and can provide visual obstruction for nesting sage-grouse (Hagen et al., 2007).

We remain concerned about the focus in Chapter 4 related to the consequences of livestock grazing, including assertions that water features and appropriate fencing have a disproportionate impact on predation by providing predator resources, without recognition of the inherent deterrent grazing and grazing management[2] provide for predators like ravens and coyotes.

Generally, we oppose significant modification as a singular means to undertake GRSG conservation without appropriate evaluation under the National Environmental Policy Act (NEPA). At the time of submission of these comments, BLM is undertaking revision and issuance of Instructional Memoranda in preparation for a regulatory amendment of the agency's grazing regulations; direction to amend grazing permits without first providing clear direction on the implementation of the grazing program, and settling the matter of grazing permit administration for existing permittees would be predecisional and inappropriate for both sets of regulations.

As in 2015 and 2019, we oppose retiring permits and converting permits into forage reserves or grass banks as a proxy for GRSG conservation. Equally, we oppose the same actions as a proxy for mitigation of other activities related to GRSG management. As noted repeatedly in Chapters 2 and 4, removal of grazing from the landscape increases the risk of fine fuels buildup on the landscape which increases the risk of catastrophic wildfire, which has knock-on effects for plant biodiversity, predation, encroachment of invasives, and long-term lek selection. Any permits relinquished as a matter of business administration should undergo evaluation for reissuance, as a single permittee's decision should not remove the allotment(s) from productive use.

We oppose the default position that any relinquished preference should be considered as a reserve common allotment for use on a temporary basis[3]. Permittees have repeatedly confirmed that BLM staff are largely unwilling to utilize temporary, non-renewable (TNR) permits because the process is so inefficient; TNRs must be requested in the year they are intended to be used. Average processing times appear to be in excess of 90 days, at which time the utility of the allotment has already been expended or the fire risk is exceedingly high (or a fire has burned through), and the opportunity to graze for fuels reduction is eliminated. Layering of requirements that relinquished permits or preference will not immediately be analyzed for reissuance with the agency's unwillingness to utilize tools like TNR will result in fewer active allotments and increased persistence of hazardous fuel loading.

As a matter of practice, BLM's widely panned requirement for ≥7" stubble height should be abandoned. Repeatedly over the last decade, states and local BLM offices have demonstrated that not only is this metric unachievable for certain ecologies where forage cover is a better indicator of nest success, the arbitrary metric places undue focus on a trigger that if tripped, has significant consequences for all land users – and productive habitat management.

With consideration to thresholds and responses into grazing permits, the undersigned request robust engagement with livestock grazing permittees. Due to the rampant uncertainty in application of land health standards across BLM lands due to the recently-finalized BLM Public Lands Rule[4], permittees will now have the benefit of seeing land health standards consider other multiple uses in landscape health. In application of the Public Lands Rule, BLM must not adopt additional requirements for grazing permits to be modified, or incorporate additional thresholds and responses, without first determining whether inclusion is warranted due to the grazing management – not external factors. Application of land health standards must apply to uses across the board. Grazing must no longer be held responsible for surface disturbance of other uses due to vague or poorly drafted regulatory parameters.

Lek Buffers

CCA and CPLC have consistently raised concerns about BLM's application of lek buffers as part of GRSG plan administration. Historic applications have increased discrepancies among states and conflicted with state management plans. Regulatory approaches to disturbance near leks hves trended toward avoiding all disturbance, even temporary disturbance that would benefit the larger ecology or suitability of habitat both for birds and other species. We warn against that approach, urging BLM to take a wider view of landscape scale management and provide wide latitude for local land managers to take necessary actions to manage habitats with the necessary tools. Generally, implementation of future management should adhere to state plans, with additional considerations:

- Additional federal restrictions on the application of pesticides or herbicides to control or mitigate invasive species or critical pests (cheatgrass and grasshoppers, for example) should be included in buffer exception criteria to proceed, in support of contiguous management of landscape-scale health.

Conflict with other regulatory actions

BLM should make significant revisions or directly address areas where the GRSG plan creates conflict with other ongoing regulatory actions. Federal lands grazing permittees are already subject to considerations of NEPA, the Endangered Species Act (ESA), Wild Free-Roaming Horses and Burros Act (WFRHBA), the Migratory Bird Treaty Act (MBTA), FLPMA, the Taylor Grazing Act (TGA), and manage interactions with other multiple uses like mining, recreation, timber production, energy production, wildlife habitat consideration, and more. Additional regulatory complications not only cause uncertainty for the regulated community, but also for BLM employees and partners who are more prone to inaction rather than violating the law. That inaction has resulted in conditions that exacerbate catastrophic wildfire, delayed remediation of disturbed areas, and poor relationships with permittees. Specific examples of conflicts are below:

Conflicts with Public Lands Rule

The recently-finalized Public Lands Rule has upended the BLM's multiple use mandate with respect to prioritization of use and how the agency considers mitigation as part of the landscape of permitted actions. The undersigned appreciate the application of land health standards across the landscape, but the GRSG plan here largely fails to recognize that these standards will be

applied to uses other than grazing, resulting in much of the GRSG plan utilizing grazing as the single use to adjust in the face of degradation.

BLM must not enact policy that results in degraded landscape or unfavorable conditions for GRSG and export the burden of GRSG habitat improvement on all other multiple uses. If restrictions are to be applied to a landscape, BLM should also follow the same rules.

Conflicts with Wild Horse and Burro Management
BLM has long faced drastically overstocked Herd Management Areas. Degradation to GRSG habitat is well documented[5]; BLM must devote additional resources to these areas to achieve low AML and conduct appropriate remediation. Alternately, BLM should consider total removal of animals from leking areas as part of priority gathers. The undersigned have submitted robust comment through the BLM Wild Horse and Burro Advisory Board and incorporate relevant feedback here by reference.

Additional areas of concern include:

CCA and CPLC believes that the regulatory overlap of designating ACECs for GRSG when GRSG habitat areas (PHMA) are designated is duplicative. While relevance and importance criteria can arguably be met by the presence of GRSG habitat, no special management attention is required. Standard 4 of the Colorado Standards for Public Land Health requires that all uses are managed to maintain or enhance species and their habitats by sustaining healthy, native plant and animal communities. This renders any ACEC designation for this purpose redundant and unnecessary. Additionally, habitat management areas are not static and can be more easily updated than ACEC boundaries. Designating ACECs for GRSG habitat will result in non-habitat areas being managed as habitat and introduce unnecessary complexity that will likely limit beneficial management actions.

On pages 2-124, the document states, *"Causal Factor Analysis (CFA) teams will include at a minimum the local BLM biologist, BLM state sage-grouse lead, and a representative from the state wildlife agency."* Regarding CFAs, range staff and permittees should be included in all causal factor analyses involving livestock grazing as a potential factor. Additionally, CFA can potentially cause unnecessary delays in the permit renewal and NEPA processes. There is no need for additional analysis of GRSG habitat beyond that required for the Special Status Species (SSS) sections of land health standards assessments. The inclusion of an additional CFA will only serve to delay already lengthy processes, further delaying the implementation of proper management regardless of the determination of causal factors in the LHA. To further pinpoint this concern, inconclusive CFAs are addressed on pages 2-128, stating, "If no cause for a habitat or population decline can be determined, the BLM may consider implementing additional restriction on existing or new authorizations in the area". This is inappropriate as related to livestock grazing, which has been determining to be a secondary threat to GRSG when done improperly, and should not be the default causal factor when agency personnel cannot determine a causal factor.

As documented above in these comments, properly managed livestock grazing is not only compatible with GRSG habitat but can also be beneficial. This fact is further supported in the EIS on pages 4-8, *"Well-managed livestock grazing may change plant community composition, increase the productivity of selected species, increase forage quality, and alter the structure to increase habitat diversity (Vavra 2005), and can positively affect GRSG habitat suitability (Manier et al. 2013)."*

Standard 4 of the Colorado Standards for Public Land Health requires that all uses are managed to maintain or enhance species and their habitats by sustaining healthy, native plant and animal communities. This is confirmed in the EIS on page 4-9, *"Under all alternatives, described in Section 2.9.7, livestock grazing would be managed to meet or make progress towards land health standards and improper grazing would be limited and addressed through implementation-level corrective actions."*

Regarding Alt. 3 on page 4-24 the EIS states, *"All PHMA would be unavailable for domestic livestock grazing. As a result, livestock would be removed from PHMA and impacts to GRSG and habitat associated with grazing, such as habitat alterations (Nature and Types of Effects) would be reduced. Removing livestock could lead to increases in herbaceous understories, which would increase forage availability and nesting habitat suitability for GRSG."* This fails to distinguish between proper and improper livestock grazing and represents a major flaw in the analysis.

Regarding Alternatives 4, 5 and 6 as applied to range improvements as shown directly on 4-74, "This could lead to prohibition of range improvement construction." Specifically, the following language management action listed in the document must be removed and revised:

> "Management Action RM-4: During the grazing authorization renewal process, evaluate all existing livestock management range improvements with respect to their effect on GRSG and GRSG habitat. Consider removal of modifications of projects that negatively affect GRSG or GRSG habitat."

Range improvements provide benefits to livestock, wildlife, SSS and the resource. Range improvements need to be evaluated as a whole not just for a specific species. All of these factors comprise landscape benefit to the landscape as a whole ecosystem and not just for the perceived advantage of one component.

As stated above, properly managed grazing is a requirement on BLM lands. The limited circumstances where improper grazing might occur must be identified and corrected according to multiple directives. All instances in the analysis where the difference between proper and improper grazing is not clearly explained must be corrected. Any negative impacts attributed to improperly managed livestock grazing must be described as limited in scope and short-term in nature due to the multiple levels of BLM laws, regulations, plans, and implementation guidance that require such.

It is imperative that the Final RMPA and EIS recognize and incorporate the benefits of properly managed livestock grazing. Any decision to reduce livestock grazing for the benefit of GRSG

habitat at the RMP level is unjustified. Changes to livestock grazing management should only be made at the allotment level based on site-specific, quantitative resource data.
Properly managed livestock grazing is a valuable resource management tool that can improve wildlife habitat, biodiversity, and overall ecological conditions while providing cultural and economic benefits to communities.

Thank you in advance for the opportunity to comment. If you have specific questions, please contact Erin Spaur, Executive Vice President of the Colorado Cattlemen's Association, at erin@coloradocattle.org or 303-431-6422.

Sincerely,

Robert Farnam, President
Colorado Cattlemen's Association

Robbie LeValley, Chair
Colorado Public Lands Council

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Nevada Association of Counties

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June 7, 2024

Bureau of Land Management
BLM Utah State Office
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440 West 200 South #500
Salt Lake City, UT 84101

RE: Greater Sage-grouse Land Use Plan Amendments, Draft RMP Amendment and Draft Environmental Impact Statement (DOI-BLM-WO-2300-2022-001-RMP-EIS)

Submitted at: https://eplanning.blm.gov/eplanning-ui/project/2016719/510 and via email to: BLM_HQ_GRSG_Planning@blm.gov

Greater Sage-grouse Land Use Plan Amendment Team,

As the state association for all of Nevada's 17 counties, the Nevada Association of Counties (NACO) appreciates the opportunity to provide comments on the Bureau of Land Management's Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement (Draft GRSG RMPA/EIS). NACO has been substantively involved in greater sage-grouse conservation efforts with the BLM through the 2019 RMPA, the 2015 RMPA, and prior. We also have appreciated the opportunity to participate in the cooperating agency process to develop this draft on behalf of several of our member counties. We do, however, continue to insist that the cooperating agency process for this range wide, 10-state planning area, has been unduly large and thus inherently flawed in addressing individual cooperating agency concerns, up-to-date localized realities impacting the sage-grouse, its habitat, and the socioeconomics of neighboring communities affected by BLM management decisions. We offer the following comments to the Draft GRSG RMPA/EIS on behalf of all Nevada's counties but defer to individual counties' comments that provide county-specific information, or that may conflict in specific aspects with NACO's positions here.

Purpose of and Need for Action

We acknowledge that a plan amendment is warranted and required where there is new data, improved science, new or revised policy, a change in circumstances or a proposed action that may result in a change in the scope of resource uses or a change in the terms, conditions, and decisions of the approved plan or by court order (43 U.S.C. § 1701(a)(S); 43 C.F.R. § 1610.5- 5). However, we question what specifically has changed since the completion of the 2019 Land Use Plan Amendment and subsequent Record of Decision in 2020. Those planning efforts anticipated and made provisions for the habitat loss and climate change that BLM now sites as purpose and need for this new Land Use Plan Amendment (LUPA), even before the 2020 Record of Decision (ROD) has been implemented.

The 2019 Plan Amendment process showcased the collaborative effort between BLM, NACO, and individual counties. It highlighted conservation efforts put forth by local partners such as counties, local area workgroups, and conservation districts. It highlighted the cooperation and coordination of the BLM with local governments, via use of local data, consideration of local land use plans, and inclusion of local entities in the BLM's adaptive management process. We feel that the current process has fallen short of these collaborative achievements of the past. Many of our members who have been involved in the previous GRSG RMPA/EIS processes have indicated that the current efforts have been the most confusing, complex, and least collaborative from a county cooperating agency perspective. The Draft GRSG RMPA/EIS documents themselves are discombobulated and extremely lengthy, making it extremely difficult for an individual local county cooperating agency to understand the on-the-ground implications of the various alternatives and overall planning effort for their affected local community.

Existing laws and regulations direct the BLM to develop unique solutions with counties, such as those that address the various concerns raised by counties during the cooperating agency process. FLPMA recognizes that federal, state, and local governments must work together to meet and satisfy objectives to benefit the public and the communities they serve; Section 202(c)(9) of FLPMA, 43 U.S.C. § 1712(c)(9), and the BLM's implementing regulations are "designed to protect the interests of local governments whenever federal agencies develop or implement federal land use plans."[1] State and local governments have expertise in, and sovereign powers over, land use planning. Specifically, counties hold a broad range of proprietary interests, including the ability to enforce land-use regulations;[2] enforce powers of revenue collection and taxation;[3] protect natural resources from harm;[4] and contest "harm caused by the disruption of local comprehensive planning."[5] As such, NACO encourages the BLM to develop state-specific plan amendments which are imperative to achieve the goal of sage-grouse conservation.

Planning and Decision Area

We assert that regionalizing land use planning for the greater sage-grouse and conducting that planning out of BLM headquarters is both contrary to FLMPA and congressional direction, as well as ineffective. Terminologies and management actions across the states are different, and each state retains authority over the management of the greater sage-grouse. 43 CFR § 1601.0-4 clearly states that BLM land use plans, plan revisions, and plan amendments, as well as supporting NEPA review, will be prepared at the Field Office level — **§ 1601.0-4 Responsibilities:**

a. National level policy and procedure guidance for planning shall be provided by the Secretary and the Director.
b. State Directors will provide quality control and supervisory review, including plan approval, for plans and related environmental impact statements and provide additional guidance, as necessary, for use by Field Managers. State Directors will file draft and final environmental impact statements associated with resource management plans and amendments.
c. Field Managers will prepare resource management plans, amendments, revisions and related environmental impact statements. State Directors must approve these documents. 43 CFR § 1601.0-4

Further, the BLM's planning regulations stipulate that—
"A resource management plan shall be prepared and maintained on a resource or field office area basis, unless the State Director authorizes a more appropriate area." 43 CFR § 1610.1(b)

[1] *Yount v. Salazar*, 2013 WL 93372, at *14 (D. Ariz. Jan. 8, 2013)
[2] Scotts Valley Band of Pomo Indians of Sugar Bowl Rancheria v. United States, 921 F.2d 924,928 {9th Cir. 1990)
[3] Colorado River Indian Tribes v. Town of Parker, 776 F.2d 846, 848-49 (9th Cir. 1985)
[4] Fireman's Fund Ins. Co. v. City of Lodi, 302 F.3d 928, 944 (9th Cir. 2002)
[5] American Motorcyclist Association v. Watt, 534 F. Supp. 923 (C.D. Cal. 1981)

The BLM's planning regulations provide no alternative to the above allocation of planning responsibilities and authorities; the regulations are clear that planning is a locally driven BLM process overseen by the State Director. While the State Director has the authority to expand the planning area beyond the administrative boundary of a single Field Office, regional planning efforts are constrained geographically and are under a State Director's authority. The role of BLM's national Head Quarters (HQ) in planning is restricted to developing national level planning policy and guidance; under the regulations, BLM's HQ does not prepare or approve land use plans or accompanying NEPA documents.

Contrary to these planning regulation requirements, the current Greater Sage-grouse Land Use Plan Amendment's "lead office," according to the e-planning website, is "WO-230". Field Manager(s) are not preparing the LUPA and accompanying EIS as required. Moreover, the State Directors of the 10 states composing the planning area are not providing supervisory review and do not have approval authority over the RMPA/EIS. This violates the BLM's planning regulations (above). Because the BLM's central HQ is both preparing and will approve the plan amendment and accompanying NEPA, BLM's HQ has exceeded its authority under the planning regulations and usurped land use planning from local and state BLM discretion.

In 2016, the BLM sought through its "Planning 2.0" effort to amend the planning regulations. The BLM specifically sought to change the responsibilities for preparing plans and associated NEPA analysis—

Responsibilities and Plan Boundaries

"The proposed rule would explain the responsibilities for preparing or amending a resource management plan to acknowledge that planning areas may extend beyond traditional BLM administrative boundaries such as Field Offices or States. References to the ''Field Manager'' would be replaced with the "responsible official," as the BLM official responsible for preparing and amending a resource management plan. References to the "State Director" would be replaced with the "deciding official," as the BLM official responsible for supervisory review, including plan approval. The proposed rule would make the BLM Director responsible for determining the deciding official and the planning area for resource management plans and for plan amendments that cross State boundaries. For plan amendments that do not cross State boundaries, the deciding official would be responsible for determining the planning area." (81 Fed Reg. 9675) Through these regulatory changes the BLM sought to de-localize the land use planning process and authorizing personnel, while significantly expanding the geographic size of a planning area far beyond the administrative boundaries of Field Offices, Districts, and States. Planning areas under the revised Planning 2.0 regulations could be massive, impracticably large multi-state regions (like the 11-state planning area in the current PEIS / RMPA), which are not legally permissible under 43 CFR § 1601.0-4.

On January 30th, 2017, Congress struck down Planning 2.0 under an exercise of the Congressional Regulatory Act (5 U.S.C. §§801- 808). Congress's action under the CRA nullified the BLM's Planning 2.0 rule and its shift to a centralized planning authority (national HQ) as well as its authorization of unbounded planning areas. Under the Joint Resolution, Congress also forbade the BLM to issue "a new rule that is substantially the same" as Planning 2.0, "unless the reissued or new rule is specifically authorized by a law enacted after the date of the joint resolution disapproving the original rule." 5 U.S.C. § 801(b)(2).

NACO and our member county governments would be interested in hearing the specific legal and regulatory justification for centralizing this planning effort and process. Further, a rational on how this centralized planning effort benefits the habitat, the species and the communities impacted would be welcomed.

We request that the BLM draft a Nevada specific Supplemental EIS that is led by Nevada state and district BLM offices in accordance with FLPMA, BLM regulations and congressional direction. In this effort the BLM should analyze a preferred alternative that incorporates the 2019 LUPA/2020 ROD, and is consistent with Nevada's state sage grouse management plan, adaptive management and Nevada's Conservation Credit System.

Consistency with State and Local Land Use Plans

While the BLM acknowledges its obligations under Section 202 of FLPMA and its resource management planning regulations in the Draft RMPA/EIS, it is our opinion that the agency has not adequately coordinated with the counties in Nevada or the state itself. Many of our member counties have expressed concerns regarding conflicts with county Master plans, their own GRSG conservation measures, and inaccuracies of the habitat and ACEC maps used in the initial public scoping process for this effort, and during the cooperating agency process leading to this Draft RMPA/EIS. NACO does not feel these comments have been adequately addressed in the range of alternatives considered in this draft. As stated above, Nevada has a statewide Sage-grouse conservation plan and an active conservation credit system that the current BLM LUPA effort should be better coordinated with. **We reiterate that the necessary and proper coordination with state and local land use plans can only truly be accomplished by state led planning efforts – range wide, centralized multi-state planning efforts inevitably shortchange the localized coordination that is required by FLPMA and BLM regulations.**

Alternatives and the Designation of Areas of Critical Environmental Concern (ACECs)

NACO first notes that the BLM issued conflicting messages regarding the comment period for ACECs – the Federal Register notice states that the comment period for ACEC designation ended on May 14, 2024, but in multiple public meetings which NACO attended BLM representatives indicated that the ACEC designations were part and parcel of this larger LUPA effort and that comments would be accepted on ACECs through the same 90-day comment period. We submit our comments regarding ACEC designation as part of our comments to the larger Draft RMPA/EIS with the expectation that they will be considered as such.

NACO does not support the designation of ACECs or Sage Brush Focal Areas (SFAs) during this planning effort and finds that the BLM has not adequately explained the need for ACECs in achieving better GRSG conservation. ACECs do not address the major threats to GRSG in Nevada, namely invasives like cheat grass, ravens, pinyon juniper, and resulting increased risk of wildfire, or wild horse and burros. The analyses of these real and prevalent threats to the sage-grouse in Nevada are inadequately analyzed throughout this Draft RMPA/EIS and within all the alternatives considered. Instead ACECs are proposed and appear to be only a means of abdicating the BLM's mandate for sound multiple use management. In our comments to the BLM's recent Utility-Scale Solar RMPA/EIS we suggested an alternative that excluded GRSG Priority Habitat Management Areas (PHMA) and General Habitat Management Areas from utility-scale renewable energy development and provided a buffer zone for said habitat areas. We continue to insist that excluding such developments from all sage-grouse habitat management areas is a better means of achieving both sage-grouse conservation and continued sensible multiple use, than the designation of ACECs in this current GRSG LUPA effort. While the development of utility-scale power generation poses a clear conflict with sage-grouse conservation, many of the other uses that ACEC designation would preclude are not a conflict, and in some instances like targeted grazing may be a benefit to GRSG conservation. For these reasons Alternatives 3, 4, and 6 should be abandoned and relegated to the category of *"Alternatives Considered, but not carried forward for further analysis"*. During the cooperating agency process Nevada counties developed an allocation table that would advance

effective greater sage-grouse conservation efforts while also balancing other important economic, community, cultural, and strategic mineral interests. We provide that table again here:

Summary of Allocation Decisions by GRSG Habitat Management Areas[1]. (NV Counties 2023)

Resource	PHMA	GHMA	OHMA	ACEC
Land Tenure[2]	Retain	Retain / Dispose	Dispose	**Nevada Counties do NOT support the designation of ACECs as part of this planning effort.**
Solar, Wind and Renewable Energy Storage	Exclusion	Exclusion[2]	Avoidance[2]	
Major ROWs[2,3]	Avoidance	Avoidance	Open	
Minor ROWs[2,3]	Avoidance	Open	Open	
Fluid Mineral Development and Leasing	Closed	Open w/ Major Stipulations[2]	Open w/ Minor Stipulations[2]	
Nonenergy Leasables[2]	Closed	Open	Open	
Salable Minerals[2]	Closed	Open	Open	
Locatable Minerals[4]	Open	Open	Open	
Travel Management	Limited[5]	Limited[5]	Open	
Livestock Grazing	Open	Open	Open	

Notes:

1. All Allocation Decisions are subject to field verification and modification of modeled HMA.
2. Projects may qualify for a BLM waiver, exemption, or modification (WEM) and must meet the regulatory requirements of the State of Nevada, including the Conservation Credit System.
3. Projects located within designated corridors, co-located with existing infrastructure, or located in degraded habitat will be given WEM preference.
4. Projects must meet the regulatory requirements of the State of Nevada, including the State Conservation Credit System.
5. Not applicable to State, local or public roads. Travel is limited to existing roads and trails.

Mapping

As we indicated above, the map products appended to this Draft RMPA/EIS have demonstrable errors and/or are incomplete. The landscape-scale mapping that is attempted in this LUPA should be eliminated in favor of field-verified habitat data. All map products should include a disclaimer that they are modelled products and do not necessarily reflect reality on the ground. Ground truthing for proposed projects should be a requirement that is articulated within this LUPA and on the models. Furthermore, the mapping of the ACECs appended to this draft is inaccurate and incomplete – mapped ACECs include landscapes with non-habitat and important infrastructure. In addition to the disclaimer and requirement for ground truthing, NACO requests that the BLM adopt the State of Nevada Sage Grouse Management Categories map and associated processes. The State Map defines "management categories" and when paired with the State GRSG Management Plan provides clarity on how mapping adjustment can and should be made based on ground-truthing.

Socioeconomic Analysis

FLPMA, NEPA, and their implementing regulations require BLM, to the maximum extent possible, align with and mitigate impacts to State and local government planning needs with the understanding that "socioeconomic impacts are usually indirect and largely fall on communities and local government institutions."[6] The Draft RMPA/EIS, provides only broad and incomplete information regarding the socioeconomic effects of the proposed alternative to specific counties. NACO recognizes that full data may not currently be available to assess how the RMPA will impact every local economy. However, impacts can be forecasted and estimated much more thoroughly than has been done in this Draft RMPA/EIS. It is also extremely important for the BLM to consider the potential cumulative impacts of a plethora of recent rulemakings (e.g. Renewable Energy Rule, Public Lands Rules, Utility Scale Solar PEIS). This barrage of federal rulemaking portends severe socioeconomic impacts to rural counties and communities in Nevada that are surrounded by federally managed lands. NACO appreciates the BLM's partnership with the University of Nevada, Reno, (UNR) the U.S. Forest Service and counties through the Nevada Economic Assessment Project (NEAP) to create Socioeconomic Baseline Data Collection for all counties in Nevada and requests that the data compiled through these efforts be more thoroughly integrated and considered in this LUPA effort and cumulatively in light of other recent BLM rulemakings. NACO has presented and emphasized the importance of including socioeconomic analysis in the planning process and documents through multiple previous rounds of GRSG Land Use planning processes, and we continue to do so here. NEAP continues to make significant strides in compiling baseline data for Nevada's Counties and we question why it is not referenced anywhere within this Draft RMPA/EIS. **NACO requests that BLM identify a streamlined strategy for incorporating NEAP data into the RMPA through our requested Nevada state-specific plan amendment.**

Use of the Best Available Science

NACO finds that important and relevant recent science which should inform this planning effort has been omitted or ignored. The science that is referenced suggests a bias towards restrictive rather than adaptive management. For example, the science supporting managed livestock grazing as an effective and economically viable tool for achieving wildfire reduction is overlooked. Properly managed grazing may benefit greater sage-grouse by maintaining perennial vegetation that provides important food and cover for greater sage-grouse and by helping to control invasive annual grasses and woody plant encroachment…"[7] Properly managed livestock grazing can decrease risk, size, and severity of wildfires (Diamond et al., 2009; Davies et al., 2010a) and thereby decrease the risk of post-fire exotic annual grass invasion (Davies et al., 2009). Appropriately managed grazing is critical to protecting the sagebrush ecosystem, and livestock grazing per se is not a stressor threatening the sustainability of the ecosystem. Thus, the restrictions in the 2015 LUPA that prohibit or restrict livestock grazing are harmful to the sagebrush ecosystem and lead to less fire resistant and resilient landscape which is particularly concerning given that the USFWS has recognized wildfire and subsequent invasive vegetation as primary threats to GRSG in the Great Basin.[8] Furthermore, recent studies suggest that confounding variables may undermine or disprove previous GRSG LUPA conclusions. Additionally, other newly available research demonstrates a higher threat to GRSG from conifer encroachment than is acknowledged in this draft. Certain key, recent research papers provide crucial insights recognizing PJ encroachment's considerable impact.[9]

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[6] BLM NEPA Handbook h1790-2008 at 62.

[7] *See* USFWS 2015 Endangered Species Act Finding, available at https://www.fws.gov/greatersagegrouse/findings.php.

[8] Davies, K., Boyd, C., Beck, J., Bates, J., Svejcar, T., & Gregg, J. (2011). *Saving the Sagebrush Sea: An Ecosystem Conservation Plan for Big Sagebrush.* Biological Conservation. 144:2573-2584, p. 2575.

[9] Namely, B.G. Prochazka, P.S. Coates, M.A. Ricca, M.L. Casazza, K.B. Gustafson, J.M. Hull. Encounters with Pinyon-Juniper Influence Riskier Movements in Greater Sage-Grouse Across the Great Basin. Rangeland Ecology & Management Conifer Special Edition., 70 (2017), pp. 39-49; and P.S. Coates, B.G. Prochazka, M.A. Ricca, K.B. Gustafson, P. Ziegler, ML Casazza. Pinyon and

Conclusion

To summarize, NACO would first and foremost request that the current Sage-grouse Land Use Plan Amendment process be handed over to state offices and localized via a Nevada specific Supplemental Draft EIS. Second, we ask for more explicit clarification as to the need for this new planning effort which is preempting the implementation of the 2020 LUPA ROD. Third we assert that ACEC and SFA designations are unnecessary and counterproductive to sage-grouse conservation; they should not be included in this Draft RMPA/EIS for further consideration, or be carried forward in the Nevada Supplemental Draft EIS. Lastly, we request the use of better and more complete mapping, socioeconomic data, and ecological science.

We would like to thank the BLM for their continued consideration of the input and recommendations of Nevada's counties. Decisions by federal agencies and changes to public land management in Nevada have a disproportionately high impact given the majority federal ownership of land – BLM alone manages approximately 67% of the total land in the state, with other federal agencies managing nearly an additional 20%. Our residents, county administration and operations, and the delivery of day-to-day services are significantly impacted by federal land management decisions. We look forward to continued engagement on this matter. If you have any questions, please do not hesitate to contact me at vguthreau@nvnaco.org, or by phone at (775) 883-7863.

Respectfully,

Vinson Guthreau
Executive Director

VG/jb

CC:
Jon Raby, BLM Nevada State Director
Office of Governor Joe Lombardo
Senator Catherine Cortez Masto
Senator Jacky Rosen
Congresswoman Dina Titus
Congressman Mark Amodei
Congresswoman Susie Lee
Congressman Steven Horsford

Juniper Encroachment into Sagebrush Ecosystems Impacts Distribution and Survival of Greater Sage-Grouse. Rangeland Ecology & Management Conifer Special Edition., 70 (2017), pp. 25-38.

Coalition for Nevada's Wildlife

P. O. Box 70143
Reno, Nevada 89570

Quincy Bahr

Bureau of Land Management

(385) 250-5791

BLM HQ GRSG Planning@blm.gov

Re: Comments to the Public Draft Amendment to Land Use Plans regarding Greater Sage Grouse Conservation and Associated Environmental Impact Statements (EIS) (DOI-BLM-WO-2300-0001-RMP-EIS)

Dear Mr. Bahr,

The Coalition for Nevada's Wildlife is a consortium of northern Nevada sportsmen and conservation organizations that has considerable experience in working through the public involvement process to conserve and enhance Nevada's wildlife resources. We therefore appreciate the opportunity to provide comments on the subject listed above.

Nevada is a very important state for sage grouse because of the significant amount of sage grouse habitat that is contained within its borders. We understand that this current planning effort will result in a Record of Decision for various states and therefore our comments here are primarily directed to the Nevada – Northeastern California Record of Decision (NV-CA Rod).

While the intent of 2015 Greater Sage Grouse Plan and the subsequent 2019 plan was to "conserve enhance and restore sage grouse habitat", sage grouse populations and habitat have continued to decline in Nevada. If we are to reverse this current decline, we do not believe that the BLM's preferred alternative (alternative 5) in the current proposed Plan Revision is on track to do so. Of special concern to us is the issue of designation of the most important sage grouse habitat for No Surface Occupancy (NSO).

We believe that protections for highest value habitats are diminished in Alternatives 2, 4 and 5, by allowing some development activities in areas that were previously under No Surface Occupancy requirements. We do not believe that compensatory mitigation is a viable alternative to NSO in key sage grouse habitat.

We urge BLM to make avoidance and minimization measures a driving force in the revised plan. While compensatory mitigation is important and certainly has a place in this plan, the driver for mitigation in Nevada is the State of Nevada's Conservation Credit System (CCS). We are pleased that BLM has recognized the CCS as an acceptable mitigation program to be used on BLM managed public lands, however we feel that the preferred alternative (alternative 5) uncouples the BLM plan from the State of Nevada CCS mitigation program and that this needs to be rectified to clarify the use of the CCS program for mitigation action in Nevada.

We are concerned that alternatives 4 & 5 seem to weaken the collaboration among BLM, US Fish and Wildlife Service and Nevada Department of Wildlife biologists, when it comes to granting exception to NSO in sage grouse Primary Habitat Management Areas. We recommend that this NV-CA ROD include the coordination provision from the 2015 ARMPA (alt.1).

Nevada is host to over 60 percent of the wild horse in the nation and therefore wild horse's impacts on sage grouse habitat is a major concern. Recent studies by the USGS in Nevada shows that where wild horse are in excess of the appropriate management levels (AML) sage grouse populations are in decline, at the same time where wild horses are at or below appropriate management levels sage grouse populations are stable to increasing (Coates, et, al 2021) The reduction of wild hose populations to AML should be a significant consideration in planning.

Finally, we strongly recommend that the NV-CA ROD contains management objectives that provide the highest conservation standards, (Such as those identified in Alterative 1 or 3.)

We appreciate your serious consideration of our concerns and recommendations.

Sincerely,

The Coalition for Nevada's Wildlife

Larry J. Johnson – President (also Director of Nevada Outdoorsmen in Wheelchairs, and 30 year past director, Nevada Bighorns Unlimited)
Tom Smith – Vice President (also Director & past President, Truckee River Flyfishers)
Joel Blakeslee – Director (also Director and past President, Nevada Trapper's Association)
Bob Brunner - Director
Willie Molini – Director (also President, Nevada Waterfowl Association)
Karen Boeger – Director (also Director, Back Country Hunters and Anglers)
Judi Caron – Director (also past President, Northern Nevada SCI)
Bonnie Flowers – Director
Russell Kuhlman – Director (also Executive Director, The Nevada Wildlife Federation)
Linda Linton, Esq. - Director
Sean Shea - Director (also member Nevada Outfitters and Guide Association)
Jim Puryear -- Director (also Director, Nevada Bighorns Unlimited–Reno)
Bob Sack – Director (also Nevada Bow Hunters Association)
Bryce Pollock, (also Director, Back Country Hunters and Anglers)
Tyler Nall – Director
Kris Coston – Director (also President Muley Fanatics)
Ashton Caselli – Director (also Director Northern Nevada Safari Club International)

June 13, 2024

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Submitted via www.eplanning.blm.gov

Re: Notice of Availability of the Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning, 89 Fed. Reg. 18,963 (March 15, 2024).

Dear Ms. Diebert and Mr. Bahr:

The National Mining Association (NMA) appreciates the opportunity to comment on the Bureau of Land Management's (BLM) Notice of Notice of Availability of the Draft Resource Management Plan Amendment and Environmental Impact Statement (Draft RMPA/EIS) for Greater Sage-Grouse (GRSG) Rangewide Planning (GRSG plans).[1] The GRSG plans would amend 77 land use plans across 10 Western states and encompass nearly 121 million acres of BLM administered public lands. The BLM's decisions resulting from this planning effort could affect up to 69 million acres of GRSG habitat in BLM-administered lands associated with habitat management areas. Given the overwhelming amount of supporting materials requiring review in order to meaningfully comment, the NMA requested an extension of the

[1] 89 Fed. Reg. 18,963 (March 15, 2024).

comment period. BLM failed to respond to that request, which is hereby incorporated by reference.[2]

As an overarching comment, BLM failed to critically evaluate impacts to mining and functioning state conservation programs in the Draft RMPA/EIS at a sufficient level of detail required by the National Environmental Policy Act (NEPA). Given the severity of this deficiency the agency cannot lawfully cure this flaw through additional discussion or analysis in the final EIS or state-specific records of decision (ROD). As a result of that error and others described in the below comments, BLM must prepare state-specific draft supplemental EISs before implementing the plan amendments.

I. NMA's Statement of Interest

The NMA is the only national trade organization that serves as the voice of the U.S. mining industry and the hundreds of thousands of American workers it employs before Congress, the federal agencies, the judiciary, and the media, advocating for public policies that will help America fully and responsibly utilize its vast natural resources. The NMA has a membership of more than 250 companies and organizations involved in every aspect of mining in the United States.

America's mining industry supplies the essential materials necessary for nearly every sector of our economy – from technology and healthcare to energy, transportation, infrastructure, and national security. NMA's members work to ensure America has secure and reliable supply chains, abundant and affordable energy, and the American-sourced materials necessary for U.S. manufacturing, national security, and economic security, all delivered under world-leading environmental, safety, and labor standards.

NMA members mine on public lands in the 10 impacted states that are home to the GRSG and therefore, would be directly impacted by proposed conservation measures to protect the GRSG and the revised land use plans. The NMA is concerned that without significant changes, the Draft RMPA/EIS and GRSG plans would unlawfully impede mining activities on public lands and create further permitting inefficiencies and uncertainty. Resultingly, the plans jeopardize the ability of the mining industry to provide resources needed to ensure affordable and

[2] *See* Extension Request Letter from National Mining Association, Essential Minerals Association, and American Exploration & Mining Association (April 25, 2025).

reliable energy and to reduce our perilous overreliance on foreign sources of minerals.

Our comments should not be read as opposition to conservation activities and the successful management of GRSG and its habitat. In fact, NMA's members have a longstanding commitment to addressing and maintaining healthy habitats for the GRSG. They routinely engage in activities intended to conserve the species and the landscapes on which they depend. These values are reflected in the sustainable land management practices used in their business models. Additionally, NMA's members have reclaimed millions of acres of GRSG habitat, much of which is restored to serve as prime species habitat previously unsuitable for the species prior to operations.

In fact, mining companies have been fully engaged in conservation of the species and its habitat since the GRSG listing petition was received by the U.S. Fish and Wildlife Service (FWS) in 2002. The NMA has actively worked with the Department of the Interior (DOI) and its bureaus regarding GRSG for decades. Accordingly, the NMA is heavily invested to ensure that a lawful process is employed to balance the needs of GRSG conservation with the appropriate multiple-use mandate that guides activities on federal lands.

BLM has missed the mark in achieving this balance in the latest round of conservation plans. The plans weigh heavily in favor of conservation and resource development restrictions but fail to address the primary threats to the GRSG, namely wildfire, predation, and invasive species. As such, the plans will do little to conserve the iconic western species while penalizing mining and other land uses. Further, as explained below, several aspects of the plans are reminiscent of problematic provisions included in the 2015 and 2019 plans. For the reasons explained in these comments, the NMA urges the BLM to reconsider the GRSG plans and to update them accordingly through the issuance of supplemental EISs.

A. Mining is Critical to the Biden Administration's Priorities

Much of this administration's agenda is dependent on the mining industry, whether its goals for infrastructure, energy and electrification or supply chain security. For example, after signing legislation making historic investments in the nation's infrastructure, President Biden issued Executive Order (E.O.) 14052, *Implementation of the Infrastructure Investment and Jobs Act*. Among other priorities, the

E.O. promises to "help rebuild America's roads, bridges, and rails; expand access to clean drinking water; [and] work to ensure access to high-speed internet throughout the Nation." [3] None of these infrastructure investments can be completed without mining. From foundations to roofs, power plants to wind farms, roads and bridges to communications grids and data storage centers, America's infrastructure projects begin with mining. Roads, railways, appliances, buildings, stadiums, bridges, airports, and other structures are supported by steel — a material dependent on mining. Metallurgical coal is needed for production of 70 percent of the world's steel and 6 billion tons of steel are used in the U.S. National Highway System.

Mining is also at the core of this administration's energy priorities. Our members mine the raw materials supporting the nation's electric grid: 19 percent of U.S. electricity comes from coal, 20 percent of electricity is generated from nuclear energy powered by uranium, and 29 different minerals are required to deliver electricity to our homes and businesses. The metals our members mine are also critical components in renewable energy sources - 4.7 tons of copper are needed for a single wind turbine and 10 percent of the global silver demand is used in the production of solar panels.

The Russian invasion of Ukraine has highlighted the importance of energy affordability and reliability and baseload power. For example, the invasion caused U.S. thermal coal exports to spike due to Europe's tight energy supply and low natural gas reserves. Contrary to the advocacy of activists, responsible coal development is not in conflict with expanded deployment of renewables. The nation's energy grid cannot function without reliable, weather-independent baseload power that coal provides, and a firm base actually facilitates greater practical use of renewables.

Russia's actions have also spurred additional bipartisan concern over mineral supply chains and the U.S.' growing import reliance. Despite being home to vast mineral reserves, the U.S. is facing unprecedented and dangerous mineral supply chain challenges, exacerbated by pandemic and war-related supply chain challenges as well as the skyrocketing mineral demand due to the rapid electrification of our economy. Our important reliance has been a well-documented and increasingly problematic issue for decades. We are now in the most

[3] Executive Order 14052, Implementation of the Infrastructure Investment and Jobs Act, Nov. 18, 2021.

mineral and metal intensive era in human history. Every new electric vehicle (EV), solar array, wind turbine and transmission line is driving demand higher and faster than ever before.

Our mineral import reliance threatens many aspects of the Biden administration's domestic policy agenda, including its goal to electrify the federal feet and electrify 50 percent of all new car sales by 2030.[4] Another example is the administration's goal to achieve a carbon pollution-free electricity sector by 2035.[5] Renewable energy, however, requires large quantities of rare earth elements for wind turbines and solar panels. The U.S. imports nearly 80 percent of its rare earth elements from China, creating a significant vulnerability in the supply chain. This reliance on foreign countries and geopolitical rivals for minerals and other materials we could source domestically exposes our economy and way of life to unacceptable risks.

B. NMA Members' Lengthy Experience with GRSG Conservation

Modern mines must comply with many stringent and comprehensive state and federal environmental, ecological, reclamation, closure, and financial assurance laws and regulations to ensure that operations protect the environment, public health and safety, and wildlife. Beyond those legal requirements, working hand-in-hand with state and local partners, NMA's members actively, effectively, and voluntarily engage in conservation activities to mitigate potential impacts to GRSG populations and habitat. For example, in anticipation of a future phosphate mine in Idaho, NMA member J.R. Simplot Company worked with the Idaho fish and game department to develop a habitat quantification tool which evaluated the voluntary mitigation measures that were found to be consistent with the 2015 land use plans. The J.R. Simplot Company donated 440 acres of private land with excellent GRSG habitat, developed a management plan for another private parcel of land with high quality GRSG habitat, and provided an in-lieu fee to the state GRSG team for mitigation. As a result, the effects of disturbances for ancillary features of the mine were calculated at 193.5 debits, with the credits associated on the proposed mitigation totaling in 740.5, resulting in a potential net gain of 547 beneficial credits for GRSG and its habitat.

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[4] Executive Order 14057, Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability, Dec. 8, 2021.

[5] *Id.*

The J.R. Simplot Company also has an active phosphate mine in Utah and submitted a voluntary conservation plan for GRSG and its habitat. The mine, including a proposed expansion area, is in the state of Utah's Uintah GRSG Management Area. Despite on-going mining activity in the area since the 1920's, GRSG counts in the area increased by 46.4 percent from 2019 to 2020, and counts have been up over the last 20 years, increasing at an average annual rate of 2.31% per year.[6] One of the many beneficial parts of the voluntary conservation plan is the use of baseline monitoring to identify functional habitat in the proposed expansion area, and a mitigation ratio of 1:4 was implemented, with every one acre of functional GRSG habitat permanently disturbed, four acres of functional habitats or corridors were created. The plan also preserved 1,378 acres of breeding and late brood rearing habitat, and 178 acres of winter habitat. In addition, conifer removal was utilized on 600 acres of an area west of the mine, and 1,725 acres of conifers were removed concurrent with reclamation and sagebrush steppe habitat seeding. This will result in 1,371 acres of mining disturbance over 58 years, compared to 4,371 acres of GRSG habitat preserved or enhanced due to the voluntary conservation plan.

Another important conservation tool used by NMA member Peabody Energy is the active enrollment in a Candidate Conservation Agreement with Assurances (CCAA) developed under the ESA. Under this CCAA, the Thunder Basin Grasslands Prairie Ecosystem Association (Association), BLM, FWS, U.S. Forest Service (USFS), and the Wyoming Game and Fish Department entered into an Interagency Memorandum of Understanding to promote coordination and collaboration between parties and define how the conservation strategy will apply within and adjacent to the Thunder Basin National Grasslands.[7] This extensive collection of conservation measures offers a more localized, site specific conservation strategy to improve habitat on a landscape scale, and provide flexibility through an adaptive management platform. The Association began proactively implementing conservation measures in 2001, and at present there are 24 ranching, 1 oil and gas, and 14 coal members that encompass

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[6] Utah Division of Wildlife Resources. 2020. 2020 Utah Greater Sage-grouse Lek Count Report – Lek Counts, Aerial Search, Adaptive Management Triggers. August 18, 2020.

[7] *See* Thunder Basin Grasslands Prairie Ecosystem Association, *available at* https://www.tbgpea.org/ (Last visited June 13, 2024).

nearly 1.2 million acres of lands prospectively enrolled. The coverage area of the CCAA contains some of the largest surface coal mines in the world, primarily in the Gillette Coalfield. All coal companies enrolled in the CCAA are currently engaged in active mining in the area and participate in ongoing conservation efforts. After coal mining, required reclamation, and voluntary implementation of additional conservation measures, these previously disturbed lands will provide extensive, contiguous blocks of improved habitat for the GRSG.

Similarly, NMA member Barrick and its affiliate Nevada Gold Mines are dedicated to implementing conservation commitments under the Bank Enabling Agreement (BEA) and continued development and participation in the state of Nevada's Conservation Credit System (CCS).[8] Nevada Gold Mines has committed $38 million in BEA-related spending and is the largest credit developer in the Nevada CCS system. Barrick and Nevada Gold Mines are extremely focused on the protective management of its biodiversity values, including GRSG and its habitat. The key elements of the biodiversity values include developing meaningful partnerships with local, state, and federal stakeholders to plan mitigation and restoration activities; plan projects that avoids impacts where possible, and minimizes them where avoidance cannot be achieved, and the use of the CCS or the BEA to ensure residual impacts are being offset in a scientifically defensible way.

II. Laws Governing Mineral Development on Federal Lands

A. The Federal Land Policy Management Act's Multiple Use Mandate

In enacting the Federal Land Policy and Management Act (FLPMA), Congress charged the BLM with managing public lands according to the principles of multiple use and sustained yield. This directive echoes the first multiple-use mandate articulated in the Multiple Use Sustained Yield Act (MUSYA) of 1960.[9] FLPMA section 302 provides that "[t]he Secretary shall manage the public lands under principles of multiple use and sustained yield."[10] Congress did not design FLPMA

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[8] *See* Nevada Conservation Credit System, *available at* https://sagebrusheco.nv.gov/CCS/ConservationCreditSystem/ (last visited June 13, 2024).

[9] 16 U.S.C.§§ 528 31.

[10] 42 U.S.C. § 1732(a).

solely for environmental protection, like many of our federal statutes such as the Clean Air Act,[11] the Clean Water Act,[12] and the Endangered Species Act.[13] Rather, as evidenced by Congress's declaration of policy, FLPMA was designed to both protect the public lands and to manage the public lands "in a manner which recognizes the Nation's need for domestic sources of minerals."[14] Congress accomplished these goals by separating the types of land that pertain to each, so that the most sensitive lands would be protected, and the remaining public lands would remain open to other uses.

The importance of FLPMA's multiple use mandate cannot be overstated. As clearly indicated in FLPMA's legislative history in Senate and House Reports, the definition of multiple use was derived from the MUSYA and is intended to have the same meaning.[15] The legislative history of the MUSYA regarding multiple use principles applies with equal weight to FLPMA. In explaining the MUSYA's multiple use directive, the House Report discusses the "relative values" analysis as follows:

> One of the basic concepts of multiple use is that all of these resources in general are entitled to equal consideration, but in particular or localized areas relative values of the various resources will be recognized ... In practice, the priority of resource use will vary locality by locality and case by case. In one locality timber use might dominate; in another locality use of the range by domestic livestock; in another outdoor recreation or wildlife might dominate. Thus, in particular localities the various resource uses might be given priorities because of particular circumstances. This is the meaning of the last sentence of

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[11] 42 U.S.C. § 7401, *et seq*.

[12] 33 U.S.C. § 1251, *et seq*.

[13] 16 U.S.C. § 1531, *et seq*.

[14] 43 U.S.C. § 1701(11)-(12).

[15] *See* Senate Report No. 95-583 ("this [multiple use] definition is very similar to that . . . which presently appears at section 4 of the Multiple-Use Sustained-Yield Act of 1960 . . ."; *See also* House Report No. 94-1163 ("the definition of multiple use preserves essentially its same meaning as used in the Forest Service Multiple Use Act of 1960").

> section 2 of the bill. *But no resource would be given a statutory priority over the others. The bill would neither upgrade nor downgrade any resource*.[16]

This framework prohibits the BLM from giving a superior priority to any one resource or use over others, particularly to a non-use such as "conservation." FLPMA's multiple use mandate thus modifies the Secretary's discretionary power to determine types of land uses since such determinations must be made using multiple use principles.[17]

In 2006, BLM issued an "Energy and Non-Energy Minerals Policy Statement" that clearly emphasized the agency's multiple use mandate. The policy indicates that except for Congressional withdrawals, public lands shall remain open and available for mineral exploration and development unless withdrawal or other administrative actions are clearly justified in the national interest. Furthermore, the policy states that BLM land use planning and multiple-use management decisions will recognize that, with few exceptions, mineral exploration and development can occur concurrently or sequentially with other resource uses.

B. Mining Law of 1872 and Access to Federal Lands

The General Mining Law of 1872 (Mining Law) establishes the right to access public lands to explore and develop locatable minerals on public lands. Specifically, the Mining Law invites citizens to locate mining claims on public lands open to location by declaring that "all valuable mineral deposits in lands belonging to the United States . . . shall be free and open to exploration and purchase."[18]

In FLPMA, Congress explicitly recognized the importance of the Mining Law in promoting mineral development of federal lands and that mining was an important component of that multiple use mandate. As such, FLMPA safeguards rights associated with location and exploration stating that:

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[16] H.R. Rep. No. 1551, 86th Cong., 2d Sess. (1960), reprinted in 1960 U.S.C.C.A.N. 2377, 2379 (emphasis added).

[17] *See* 43 U.S.C. §§ 1701(a)(3) and *National Wildlife Federation v. Buford*, 835 F.2d 305, 308-09 (9th Cir. 1987) (finding that classifications must be reviewed consistent with the principles of multiple use and sustained yield).

[18] 30 U.S.C. § 22.

> . . . no provision in this section or any other section of the Act shall in any way amend the Mining Law of 1872 or impair the rights of any locators or claims under the Act, including, but not limited to, rights of ingress and egress.[19]

C. Mining and Materials Policy Act of 1970 Articulates the Importance of Federal Minerals

FLPMA specifically incorporates the Mining and Minerals Policy Act of 1970:

> The Congress declares that it is the policy of the United States that—
> . . .
>
> (12) the public lands be managed in a manner which recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands *including implementation of the Mining and Minerals Policy Act of 1970 (84 Stat. 1876, 30 U.S.C. 21a) as it pertains to the public lands*; . . . [20]

The Mining and Minerals Policy Act of 1970, states:

> [T]hat it is the continuing policy of the Federal Government in the national interest to foster and encourage private enterprise in (1) the development of economically sound and stable domestic mining, minerals, metal and mineral reclamation industries, (2) the orderly and economic development of domestic mineral resources, reserves, and reclamation of metals and minerals to help assure satisfaction of industrial security and environmental needs. . .[21]

Importantly, the Mining and Minerals Policy Act of 1970 also provides: "*It shall be the responsibility of the Secretary of the Interior to carry out this policy when exercising his authority under such programs as*

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19 43 U.S.C. § 1732(b).

20 43 U.S.C § 1701(a)(12) (emphasis added).

21 84 Stat. 1876, 30 U.S.C. § 21a.

may be authorized by law other than this section."[22] By expressly referencing the Mining and Minerals Policy Act of 1970 in FLPMA, Congress clearly intended that the Act be emphasized in connection with public land planning and management.

D. The Mineral Leasing Act and Promotion of Federal Coal

In enacting the Mineral Leasing Act (MLA), the primary statute that governs the leasing of federal coal, Congress recognized the importance of this critical resource. In fact, the MLA is subtitled "an act to promote the mining of coal..." and mandates that "no mining operating plan shall be approved which is not found to achieve the maximum economic recovery of the coal within the tract."[23] FLPMA's incorporation of the Mining and Minerals Policy Act similarly underscores Congress' desire to ensure access to coal and other leasable solid minerals as that act's definition of minerals specifically includes coal within its purview.

In its management of the federal mineral estate, the BLM has a legal obligation to comply with FLPMA, the Mining Law, the Mining and Minerals Policy Act, and the MLA in a manner that fulfills the agency's overarching multiple use mandate. Placing these multiple-use, foundation-level plans at the mercy of a single-policy agenda destroys their utility. In other words, policy initiatives, such as conservation of a single species, should be subordinate to multiple-use management plans, rather than the plans existing at the mercy of each new policy initiative.

In that regard, the BLM should reconsider a return to the approach promoted in the 2019 GRSG land use plan revisions. Those revisions represent the agency's best effort to date to restore the planning process consistent with the multiple-use mandate, and discontinue the single-purpose planning model that defined the 2015 plans. The NMA supported the 2019 land use plans because they were consistent with the BLM's mandate to recognize the need for domestic sources of minerals.

E. NMA's Scoping Comments

The NMA submitted comments in Feb. 2022 regarding the notice of intent (NOI) to prepare the GRSG plans. Given the concerns raised in

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[22] 30 U.S.C. § 21a. (emphasis added).

[23] 30 U.S.C. § 181, *et seq*.

our scoping comments that apply equally to the 2024 draft plans, we hereby incorporate our scoping comments to the NOI by reference.[24] For example, the NMA outlined the importance of using the best available science when developing long-lasting and durable plans. Studies have shown that mining is not a significant stressor or threat to GRSG or its habitat.

The NMA also stressed that compensatory mitigation is not consistent with FLPMA and is not needed everywhere for all activities. Section 302 mandates that public land uses must prevent unnecessary or undue degradation. This requirement impose or authorize compensatory or mitigation for unavoidable impacts (i.e., necessary and due impacts) associated with the use of public lands. Rather, any compensatory mitigation can only be undertaken voluntarily. Previous issues with the 2015 and 2019 plans were also discussed, including designations of areas of critical environmental concern (ACECs), Sagebrush Focal Areas (SFAs) and Lek buffers.

F. New GRSG Science Does Not Support Severe Restrictions on Mining Activities

The BLM's NOI purported that new science was partially the reason to initiate another round of scoping. This new science included studies from various DOI bureaus and focused on conservation and monitoring, and importantly, shows that mining is not a major threat to the GRSG. For example, the U.S. Geological Survey (USGS) published a Sagebrush Conservation Strategy[25] in 2020 that reiterates the same primary threats to GRSG that existed at the time of the 2015 and 2019 plans. Wildfire, predation, and invasives continue to be the primary threats. Meanwhile, other activities such as grazing and mineral extraction were discussed as secondary or tertiary threats. Indeed, the strategy explicitly acknowledges that "mining and energy development are necessary to provide resources to meet human needs, and energy is a current national priority."[26]

Compare the above study with another recently released USGS study that provided a comprehensive analysis of the population trends of the

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[24] *See* Scoping Comments from National Mining Association, Feb. 10, 2022.

[25] *See* U.S. Geological Survey Sagebrush Conservation Strategy, *available at* https://pubs.usgs.gov/of/2020/1125/ofr20201125.pdf (last visited June 13, 2024).

[26] *Id*. at 163.

GRSG and established a monitoring framework to assess the effectiveness of conservation efforts.[27] While intended to provide a framework for assessing trends, that study suggested that more information was needed to assess different disturbance types and the ability to inform ecological thresholds for when they occur. This study exemplifies the still unknowns of certain types of disturbance and accompanying impacts.[28] Importantly, it is unclear if these studies account for NMA member's ongoing GRSG conservation efforts discussed earlier.

Given some of the unknowns, the BLM must carefully craft a long-lasting, durable plan that will withstand inevitable litigation and not need revisions every couple of years to provide much-needed certainty. For activities such as mining or other major infrastructure projects, planning and permitting can span for well over a decade.[29] As the life of a mine can extend for years, if not decades, drastically changing land use plans every few years can effectively stymie production. Further, radically changing the rules of the game for mining activities across western landscapes will impact the U.S.' ability to attract investment in mining projects on federal lands. As the World Bank has cautioned, "[G]overnments need to adopt the fundamental principle of 'no surprises' if they are to avoid developing a reputation for sovereign risk, thus affecting investment in their countries."[30] The NMA urges the BLM to take heed and provide needed flexibility within the plans and to provide durable solutions that withstand legal challenges.

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[27] *See* U.S. Geological Survey study, *available at* https://pubs.usgs.gov/of/2020/1154/ofr20201154.pdf (last visited June 13, 2024).

[28] *Id*. at 93.

[29] To provide a specific example, one NMA member in Idaho submitted a plan of operation to BLM in 2008. The NEPA process was concluded with a Record of Decision in 2020. Part of the reason for the lengthy time period was making adjustments and conducting further technical work to address the ever-changing conservation requirements for the GRSG.

[30] Mining Royalties: A Global Study of Their Impact on Investors, Government, and Civil Society, James Otto *et al.*, the World Bank (2006).

III. Specific Comments on the 2024 Plans

A. The BLM Failed to Properly Engage with Key Stakeholders

The GRSG plans do not appear to take into account the extensive work that states and local communities have done to conserve GRSG. For example, Governor Gordon of Wyoming noted that despite the state working with BLM on the draft plans, the plans do not take into account the core areas established through state-led processes, and that deference should be given to those state management processes.[31] As another example, the BLM appears to have ignored the State of Idaho's habitat management area (HMA) designations in some of the alternatives. In NMA's conversations with other state agencies, it seems that the state experts were either not consulted, or their expertise was disregarded.

B. The Plans are an Exercise in Mental Gymnastics

The nature and breadth of the Draft RMPA/EIS made it extremely difficult for stakeholders to ascertain what parts of previous iterations of the GRSG plans apply, and to which alternatives. The proposed alternatives appear to be cobbled together using different aspects of the 2015 and 2019 plans, along with new proposals that overlap in some alternatives, but not others. Descriptions of some alternatives indicate provisions that are the same as another alternative, with restrictions the same as a different alternative. The descriptions are unhelpful and are seemingly written in riddles.

The logic games contained in the description for alternative 6 provide a perfect example. Alternative 6 includes all habitat management areas and topics as alternative 5 with the same ACECs as alternative 3, but with less restrictive management within the ACECs as alternative 3, though generally more restrictive than the rest of the alternative's priority habitat management area (PHMA).[32] These cross-references provide very little information or descriptions of what is actually in

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[31] "Gordon says BLM's Sage Grouse Management Plan alternative needs more work," ABC Local News Channel 8, *available at* https://localnews8.com/news/wyoming/2024/03/15/gordon-says-blms-sage-grouse-management-plan-alternative-needs-more-work/ (last visited June 13, 2024).

[32] P. ES-5.

alternative 6, and force the reader to hunt down this information in thousands of pages of text.

If NMA and its members, who have extensive experience in land management and GRSG conservation cannot ascertain exactly what is in the alternatives, then how can the general public? While these hand-picked provisions for each alternative may be intuitive to the BLM, it is not immediately logical to the NMA member's land use experts who are on the ground actively working on sagebrush landscapes, much less the public at large. The alternative descriptions appear to run afoul of NEPA's requirement that documents be organized and written so as to be readily understandable by governmental decision makers and interested non-professional laypersons that would be affected by actions taken under the EIS.

C. The Plans and Supporting Documents Contain Conflicting Data

As noted in the NMA's request for a comment extension, the BLM's public meetings designed to answer questions and present detailed information about the draft alternatives unfortunately seeded additional confusion by including information that directly conflicted with language in the GRSG plans and the supporting documentation.[33] The NMA attended the first virtual public meeting and, among other things, the presentation on April 9 showed that alternative 5 (BLM's preferred alternative) contained 11,139,472 acres of new ACECs – a direct contradiction to the text of the Draft RMPA/EIS.

Aside from conflicting data, the plans also omit important information essential to evaluate alternatives based on the best available science, and the new data from USGS described above. The Draft RMPA/EIS states that "the simple comparison of acreages [between alternatives] does not reflect the incorporation of new science published since 2015 that more accurately identifies important GRSG habitat."[34] However, alternatives 3, 4, and 6 do incorporate new information and science that has become available since the 2015 and 2019 efforts.[35]

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[33] *See* Letter Requesting an Extension of the Comment Period by National Mining Association, American Exploration & Mining Association, and Essential Minerals Association.

[34] P. ES-5.

[35] *Id*.

D. The Plans Fail to Account for the New Public Lands Rule

The NMA notes that the open comment period for the GRSG plans commenced on March 13, 2024, while the BLM's final rule on Landscape and Conservation Health (Public Lands Rule) became effective June 10 – a mere three days before the public comment period for the GRSG plans closes. The Public Lands Rule significantly overhauls the way the BLM manages public lands and how resource management plans (RMPs) are assessed. It is unconscionable that the BLM would finalize such a drastic change in its fundamental policy with the Public Lands Rule while the GRSG plans are out for public comment. The GRSG plans are directly related to the way the BLM will manage public lands, yet the public is now under pressure to not only evaluate the extensive plans themselves, but also to determine how the GRSG plans will interact with the Public Lands Rule. For instance, the Public Lands Rule introduces new criteria for habitat preservation that could conflict with the proposed measures in the GRSG plans, making it difficult for stakeholders to provide informed feedback. A few specific examples as to why this is problematic are provided below.

i. Areas of Critical Environmental Concern

The BLM's recently finalized Public Lands Rule highly prioritizes ACECs. In contrast, the GRSG plans vary in each alternative's approach to ACECs. The Public Lands Rule creates a presumption that all areas found to meet three ACEC criteria will be designated as so in its respective RMP. The GRSG plans appear to conflict with the Public Lands Rule. For example, under BLM alternative 5, no ACECs would be designated while alternative 3 would include nearly 12 million acres of ACECs. As evidence of the more flexible approach in the GRSG plans is the seeming inclusion of two evaluation criteria – relevance and importance.[36] Table 2-14 then provides that only alternative 3 and alternative 6 include additional ACECs specific to the management of GRSG would be designated.[37] Thus, BLM's discussion of ACECs in the alternatives appear to be in tension with the Public Lands Rule's presumption of designating ACECs, but the rush to finalize both the Public Lands Rule and the GRSG plans, has left the public with no way to understand this discrepancy.

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[36] P. 2-117.

[37] *Id*. at 118.

As NMA said in our comments to the Public Lands Rule and the GRSG scoping NOI, ACECs have historically been used as a mechanism by advocates of single-use management, that are also opposed to mining activities.[38] These designations have increased dramatically in recent years.[39] The NMA cautions the BLM that while ACECs provide important protections to manage areas with relevant and important values, Congress never intended for them to be used as a *de facto* prohibition on certain uses on public lands. As such, ACEC management should be structured to minimize the impingement of the multiple use mandate to the extent possible.

In recognition of the fact that all land uses are not compatible, Congress made ACEC identification and designation a part of the resource management plan development process, which is guided by the multiple use principle. Thus, ACECs should be managed according to multiple use and priority should be given to the special management practices that apply. As the BLM stated in its original ACEC guidelines:

> To the extent that any otherwise appropriate use may take place within an ACEC without damaging or endangering an environmental resource that is the reason for ACEC designation, or without endangering life or property, such a use may be permitted as long as that use is consistent with the special management requirements of the ACEC.[40]

Thus, specific management prescriptions for a designated ACEC for GRSG conservation or mitigation should not impinge other uses of the public lands except to the extent necessary to protect against irreparable damage to, or to mitigate hazards from, the unique environmental circumstances that warranted ACEC designation. The BLM should be cautious in its use of ACECs in the GRSG plans to

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[38] *See* Center for Biological Diversity Tiehm's Buckwheat ACEC Petition, *available at* https://www.biologicaldiversity.org/species/plants/pdfs/Tiehms_Buckwheat_ACEC_Petition_032921.pdf (last visited June 13, 2024).

[39] U.S. BLM, *Public Land Statistics* 2003, Tables 5-15 and 5-16 at 255-56 (2003); U.S. BLM, *Public Land Statistics 2017*, Table 5-16 at 229 (2018).

[40] Areas of Critical Environmental Concern; Policy and Procedures Guidelines, 45 Fed. Reg. 57,318 (Aug. 27,1980).

ensure any designations are not in conflict with the multiple-use mandate.

ii. Unlawful Mitigation

The NMA is concerned that each alternative requires a mitigation hierarchy of avoidance, mitigation, and then compensation. As the NMA outlined in our comments to the Public Lands Rule, this mitigation hierarchy mirrors the concepts in BLM's Planning 2.0 rule from 2016 that was subsequently overturned by the Congressional Review Act (CRA).[41] Under the CRA, any new rule must not be substantially the same. These proposed plan amendments appear to be a backdoor way to comply with the CRA while requiring the same mitigation hierarchy.[42]

While the BLM has authority to require mitigation to conserve public lands, compensatory mitigation is not directly authorized under FLPMA. A 1995 BLM-Wyoming State Office policy cited to legal analysis about that practice, and raised serious concerns that compensatory mitigation could appear to be an unauthorized tax or an equally unauthorized attempt to augment BLM's existing appropriations.[43] The BLM-Wyoming State Office called the policy "blackmail" and noted that courts tend to find such matters very offensive to fundamental notions of fairness and administrative law.[44]

G. Compensatory Mitigation

Compensatory mitigation that a project proponent proposes continues to be an important tool for GRSG conservation, but, importantly, it must be voluntary. As described earlier, NMA members have engaged in ESA conservation activities including CCAAs on private surface, and candidate conservation agreements (CCAs, without assurances) on federal surfaces. These practices are a fundamental part of the

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41 Final Rule: Resource Management Planning, 81 Fed. Reg. 89,670 (§ 1610.8-2(a)) (Dec. 12, 2016).

42 *See* Final Comments on BLM Landscape and Conservation Health Rule (July 5, 2023).

43 Statement of Policy Regarding Compensation Mitigation, BLM-WY IM No. 96-21 (Dec. 14, 1995).

44 *Id*.

business model of companies whose activities may affect species with special status, but are all voluntary.

Importantly, compensatory mitigation is not needed everywhere or for all activities. For example, surface coal mines are under the regulatory authority of State Mineral Departments, or the Office of Surface Mining Reclamation and Control, and have extensive reclamation requirements that exceed the seasonal habitat objectives outlined in the draft resource management plans. BLM similarly has extensive reclamation requirements for hardrock mining on federal land. BLM continues to reaffirm the understanding that GRSG is a species that selects for large, intact landscapes and habitat patches. The landscape aspects of reclamation (including activities such as complete reconstruction of many thousands of acres of land surface, reconstruction of streams and reservoirs, creation of wildlife habitat and features, and full revegetation of the entire disturbed area) can fully support the life-stage requirements for GRSG, rendering the need for compensatory mitigation duplicative, unwarranted, and perhaps counter-productive. Accordingly, to the extent such voluntary conservation is reaffirmed and voluntarily implemented, it must be accounted for appropriately in these amendments and as an asset to GRSG conservation.

In addition to the above concerns regarding compensatory mitigation, NMA questions language in section 2.5.3 that would require compensatory mitigation "be completed prior to associated actions occurring."[45] It is unclear how this is measured or how a project proponent would maintain compliance. Once payment is made, is the action allowed to proceed, with the understanding that said paid-for mitigation efforts will be completed after mining has commenced? This process can take decades after payment. Or is the compensatory mitigation act completed only after the sagebrush habitat has been restored, which would have to occur before the action? The latter would result in further delays in permitting timelines that are unacceptably long. It is impossible to complete compensatory mitigation in the form of habitat restoration prior to the action resulting in land disturbance that creates the need for mitigation. The lack of clarity regarding the BLM's mitigation requirements merits additional revisions from the draft plans. The NMA urges the BLM to amend the plans accordingly.

[45] P. 2-22.

The BLM is also proposing to require that "[c]ompensatory mitigation … be prioritized to occur within the same area of the impact (within the same HAF [Habitat Assessment Framework] fine scale area, or if not possible, within the same neighborhood cluster or HAF mid-scale area where practicable) so that it provides habitat for GRSG populations affected by the project."[46] This requirement overlooks the fact that land may not be available for mitigation work near a given mining project. For example, NMA members have reported that state-run mitigation banks, like Nevada's CCS, already struggle to find private landowners to host mitigation activities due to the considerable amount of federally managed land in Nevada. Third-party landowners may be further discouraged from participating in these systems if they are not already located near disturbance activities. Further, BLM's proposed proximity requirement would incentivize siting disturbance activities near "intact" landscapes if there are more suitable mitigation sites nearby. This requirement also conflicts with BLM's own mitigation policy.[47]

H. Disturbance Caps

To conserve seasonal habitat for GRSG, the BLM proposes to apply disturbance caps to PHMA within the HAF at both a fine scale and project scale.[48] BLM asserts these requirements are necessary to protect GRSG from anthropogenic disturbances. However, the agency fails to explain how the HAF fine- and mid-scale units were delineated.[49] The BLM must describe how these assessment areas were made and give the public an opportunity to comment on the agency's methodology.[50]

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46 *Id*. See specific comments on BLM's proposed HAF assessment area below.

47 "The BLM should identify a compensatory mitigation site without implying a preference for siting it closer to or farther from the impacted site, so long as a reasonable relationship is maintained between the impacts of the public land use and the compensatory mitigation measure(s) being implemented at that site." BLM, Mitigation Handbook, H-1794-1, p. 1-4 (reinstated by IM 2021-046).

48 P. 2-28.

49 The technical reference BLM cites as authority also does not explain the delineation methodology. *See* Stiver et al., Habitat Assessment Framework Technical Reference (TR2710-1) (2015).

50 *See Lands Council v. Powell*, 395 F.3d 1019, 1031 (9th Cir. 2005) ("NEPA requires that the Environmental Impact Statement contain high-quality information and accurate scientific analysis."); *W. Watersheds Project v. Bureau of Land Mgmt*., 2:10-CV-02896 KJM, 2014 WL 119189, at *1 (E.D. Cal. Jan. 9, 2014) ("NEPA

With the exception of Wyoming and Montana and similar to previous plans, BLM establishes an arbitrary disturbance cap of three percent.[51] Wyoming and Montana have a five percent disturbance cap.[52] The disturbance cap thresholds are arbitrary, not backed by science, violate BLM's multiple use mandate, and actually encourage habitat fragmentation. The BLM has failed to update the science behind disturbance caps, despite its own report showing that anthropogenic disturbance increased by only 0.03 percent range-wide between 2015 and 2020.[53] A one-size-fits-all limit on disturbances ignores the diverse landscapes that GRSG uses and is contrary to the goals of the plans.

The BLM should consider more flexible approaches as contemplated in the 2019 Nevada/Northeastern California (NV/CA) Approved Plans. Those plans authorized disturbance cap exceptions "in situations where a net conservation gain to the species can be achieved, as a component of compliance with a state mitigation plan, program, or authority, such as required by State of Nevada Executive Order 2018-32 (and any future regulations adopted by the State of Nevada regarding compensatory mitigation, consistent with federal law)."[54] The BLM's 2024 proposed alternatives would unnecessarily limit disturbance cap exceptions to project-scale exceedances, but not larger HAF-scale exceedances, and would reinstate redundant State Director and multidisciplinary team evaluations that were removed from the 2015 NV/CA Approved Plans.[55] Disturbance cap exceptions must be flexible, based on local conditions, and acknowledge the role of state mitigation systems.

I. Lek Buffers

The NMA is concerned with the BLM's new definition of "active lek" that is adapted from the Western Association of Fish and Wildlife Agencies

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requires agencies to ensure professional and scientific integrity by setting forth the methodologies used").

[51] *Id*.

[52] P. 4-37.

[53] BLM, Greater Sage-Grouse Plan Implementation Rangewide Monitoring Report for 2015-2020, p. viii.

[54] 2019 NV/CA ARMPA, p. 2-7 (MD SSS 2).

[55] *Id.* at p. 2-36.

(WAFWA). This definition undermines the expertise of state and local stakeholders who have worked diligently on the ground to determine populations. The BLM arbitrarily adopted these definitions, lifting them from other studies, without providing any new or additional analysis. This new definition would double the length of time that an unused lek is considered active – effectively creating an arbitrary restriction on development without first evaluating impacts to the GRSG. Furthermore, the overly broad definition of what is considered an active lek would increase the amount of leks that are included in the area to include pending active leks.

The BLM would maintain lek buffers for all HMAs in alternative 1. But, in alternatives 3, 4, 5, and 6, the BLM would extend lek buffer restrictions to all active and pending leks, effectively increasing management restrictions in areas that may not be suitable habitat for the GRSG. The NMA disagrees with this approach, viewing the use of lek buffers as an arbitrary and overly broad approach that fails to account for the dynamic nature of habitat that GRSG uses. The practical effect is a vast limitation on federal lands to "protect" the GRSG, while putting non-habitat and marginal habitat off limits to development.

J. Adaptive Management

Each regional planning area has implemented its own approach to adaptive management since the 2015 Approved Plans. The BLM is now proposing to adopt a range-wide, one-size-fits-all approach to adaptive management using the methodology from a 2021 USGS report.[56] The BLM, however, has failed to analyze the significant impacts from flouting established state adaptive management systems. Moreover, the new framework has several critical flaws, including a distinct lack of (1) sufficient clarity in defining adaptive management thresholds, (2) guidelines or limitations on BLM's discretion to modify any permitted activity when a habitat or population threshold is met, and (3) representation by affected industries on causal factor analysis teams.

[56] Coates et al., Range-wide Greater Sage-Grouse Hierarchical Monitoring Framework: Implications for Defining Population Boundaries, Trend Estimation, and a Targeted Annual Warning System, Open-File Report 2020-1154 (2021).

K. Effect of New GRSG Plans on Ongoing Permitting

Mining projects can take several years, with some a decade or more, to complete permitting, including NEPA. The NMA is concerned about the ability for project proponents to effectively navigate the ever-changing GRSG plan landscape in order to comply with NEPA and move mining projects forward. The potential disruptive effect of the final GRSG plans could be detrimental to these projects and the NMA urges the BLM to take steps to ensure durability of the BLM's efforts for these projects, and include transition language allowing project proponents the choice of proceeding under previous GRSG plans or under the current plans after consultation with the BLM.

NMA's members have experience with their permits being invalidated due to late-breaking changes in applicable GRSG plans. For example, the BLM approved the Caldwell Canyon phosphate mine project in southeastern Idaho after an in-depth NEPA review in compliance with the then applicable 2019 plans requirements. BLM issued a notice to proceed, and Plaintiffs sued a year and a half later in federal district court in Idaho after construction was well under way. In separate litigation, the court enjoined the 2019 plans standards that were in effect, and which had been relied upon in the BLM NEPA process and Record of Decision, but before the relevant BLM instruments were actually issued. The court then issued an order over three and a half years following the BLM's initial approvals for the Caldwell Canyon projects applying the 2015 plans and vacating all of the BLM's years of work. Failure to provide necessary flexibility with respect to the applicable standards here will disrupt ongoing permitting efforts.

Accordingly, we suggest the following language be added to the final GRSG plans, which is adapted from precedent contained in the 2015 plans for two large, priority transmission lines to ensure the durability of ongoing projects:

> Where the Bureau of Land Management is processing applications for the use of Bureau of Land Management-administered public lands in western states containing sage-grouse habitat and where the NEPA review of these applications has progressed past publication of a draft environmental assessment or draft environmental impact statement, the applicant may elect, in consultation with the Bureau of Land Management, which Resource Management Plan sage-grouse provisions and amendments will be incorporated into the Bureau of Land

Management's approval of the application that will provide a reasonable suite of sage-grouse habitat conservation prescriptions while maintaining the technical and economic viability of the project.

L. Specific Alternatives

i. Alternative 1

As described above, the NMA disagrees with the maintained lek buffers for alternative 1. This alternative is essentially the 2015 plans that the NMA took issue with, including recommending millions of acres of mineral rich public land for withdrawal. The NMA hereby incorporates by reference our comments to the 2015 GRSG plans.[57]

ii. Alternative 2

Described as the no action alternative, this alternative includes applicable decisions from the 2019 plans that were preliminarily enjoined. Yet, it allegedly reflects the management language currently in the BLM's land use plans. The NMA disagrees with the BLM's assertion that this is the no action alternative because the 2019 plans are currently ineffective. Rather, the no-action alternative would be the 2015 plans in alternative 1. Still, while alternative 2 provides more flexibility than alternative 1, it is not a viable choice because of the court's preliminary injunction.

iii. Alternative 3

Containing the most land use restrictions, the NMA strongly opposes alternative 3. Designating 11,139,472 acres of ACECs specific to the management of GRSG would be detrimental to not only the mining industry, but to any industry that relies on federal land. Such severe restrictions would cripple the mining industry and the additional effects to local, state, and the national economies would be devastating. For example, land use restrictions that prevent mining would lead to a significant decrease in royalty or other payments, and therefore less revenue to the federal government and to states who depend on this annual funding for budget purposes.

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[57] *See* Final Comments on 2014 Land Use Planning for GRSG from National Mining Association, Jan. 29, 2014.

Further, this alternative completely disregards the BLM's multiple use mandate under FLPMA because it precludes all resource development across GRSG habitat. This alternative includes vast landscapes for potential withdrawal and therefore the NMA urges the BLM to disavow alternative 3.

iv. Alternative 4

The NMA opposes adoption of alternative 4. As previously stated, the NMA takes issue alternative 4's use of the three percent disturbance caps. Further, the NMA is concerned with the BLM's intent to defer new infrastructure projects to the extent allowable by law, such as the Mining Law. This type of restriction will stymie mining projects and unnecessarily protect habitat not suitable for the GRSG.

v. Alternative 5

Alternative 5 attempts to balance land use and habitat management. For example, it allows BLM to consider boundaries included in future updated state GRSG management plans. It also foregoes land withdrawal recommendations and has the least restrictions on land use. While the least egregious of the proffered alternatives, alternative 5 is not without its own flaws. For example, the BLM reduces HMA overall, yet shifts some general habitat management areas (GHMA) to PHMA, resulting in an unnecessary increase of PHMA that would restrict development and infrastructure projects, including mining. The NMA urges the BLM to reevaluate its shift from GHMA to PHMA and update this alternative accordingly.

vi. Alternative 6

The NMA strongly opposes this alternative as it includes the same acres of ACECs as alternative 3. This alternative is also more restrictive than necessary to conserve GRSG because it closes lands to mineral leasing that may be poor habitat for the GRSG.

IV. Conclusion

The NMA appreciates the opportunity to provide comments on the BLM's GRSG plans. For the reasons discussed above, the BLM must significantly modify its plans and address the NMA's concerns in state-specific draft supplemental EISs. We believe that, if finalized as written, the GRSG plans will result in costly, speculative, and untimely decisions that will only obstruct the needed production of minerals and

coal in the United States. The NMA is willing to continue the dialogue with BLM on these important matters. If you have any questions, please feel free to contact me at kmills@nma.org or (202) 463-2643.

Sincerely,

Katie Mills

_____
Katie Mills
Associate General Counsel

Nevada State Grazing Board N-2 District
c/o Don Jones, Secretary
P.O. Box 806
Winnemucca, Nevada 89446

June 13, 2024

Via Email: BLM_HQ_GRSG_Planning

Bureau of Land Management
BLM Utah State Office
Attn: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, Utah 84101

RE: N-2 State Grazing Board Comments Regarding the Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning, (DOI-BLM-WO-2300-2022-0001-RMP-EIS)

BLM Greater Sage-Grouse Plan Amendment Team:

The N-2 State Grazing Board (Board) is a political sub-division of the State of Nevada organized under Nevada Revised Statute 568 Grazing and Range. This Board is comprised of ranchers who operate on public land grazing allotments within the Winnemucca BLM District. These ranchers and grazing allotments stand to be affected by the Draft Resource Management Plan Amendment (Draft RMPA or Draft EIS) effort. The following comments are provided for the BLM's consideration as the concerns, recommendations, and thoughts of the Board. In addition to these comments, the Board fully supports the comments provided by Humboldt County regarding the RMPA and DEIS.

Concerns with the BLM's Rangewide Approach: It is concerning to the Board that the BLM has determined a rangewide approach to be the appropriate method of analysis for all of the Sage-grouse states in the West. Each of the 11 states included in this document has individual circumstances, public land management hurdles, and both social and economic complexities that could not possibly be encapsulated in one document. The alternatives and their impacts are not thoroughly explained because such a high-level view does not provide enough detail to adequately do so. This also illustrates a clear conflict with FLPMA (43 U.S.C. § 1712(c)(9)) in that very little, if any, state input was seriously considered by the BLM. **The Board asks that the BLM consider providing a supplemental, Nevada-specific Draft Environmental Impact Statement that clearly outlines Alternatives which are in alignment with the applicable State and local plans.**

BLM Capacity Inadequacies: The Board is concerned that the increased amount of monitoring and changes in protocol are going to further decrease the capacity of field offices across Nevada. A consistent issue with the BLM across the state is a lack of personnel. Multiple management activities that are currently being undertaken by the BLM are not being completed since employees are at their maximum capacity already. It is unclear to this Board how the BLM plans to mitigate this lack of capacity if the

preferred alternative is enacted. It is too easy for livestock grazing to become the scapegoat for management decisions when there is limited capacity, and history has shown that the BLM is willing to modify or attempt to reduce or remove grazing when they cannot alter any other management activities.

Mapping Concerns: The various mapping "alternatives" in the DEIS do not appear to be drafted or published through the correct NEPA process, especially considering that management authority over Sage-grouse is held by the State of Nevada. It appears to this Board that the only map that has been approved by the State, aside from the included Sagebrush Focal Areas, is included in Alternative 1. It further appears that Alternative Maps 2 through 5 are drafted using incomplete modeling from USGS. This lack of transparency can only lead to misunderstandings by the public and fallacies by the BLM when determining how these new maps will truly impact the management of Sage-grouse habitat. Although there is some clarification in the draft with the following statement, the approach is not appropriate considering that it curtails the State of Nevada's approval process and is entirely similar to the 2015 mapping approach. The statement reads: "The unpublished results that BLM used for this Draft EIS includes more than six years of additional field data collected since the last published version (Coates et al., 2016) and advances in methodology to produce the HMA model (Milligan et al. 2024 (in review)). It represents an estimate of how HMA model results may change as the model continues to be refined. It is anticipated that the final published model, associated maps, and documentation will be available during the spring of 2024; the BLM intends to incorporate the final published version into the Final EIS." (Appendix 3, Page 3-12).

The Board strongly asks that the BLM release a second Draft EIS for public comments, prior to the release of the Final EIS and once the USGS map products are both finalized and approved by the State of Nevada. The final products **must** be included pre-decision for comments to be fully informed and substantive; post-decision mapping can and arguably will lead to mismanagement of vast areas rangewide. Furthermore, there is no explanation from the BLM regarding how the public is supposed to aid the agency in revising said maps once they have been included in the FEIS. This pre-decisional process from the BLM sets a horrible precedent that should not be considered appropriate for this or any future efforts.

The BLM must also clarify that the State of Nevada maps are largely based on a model and any final allocation decisions would be subject to change based on field verification of mapped habitat categories. The Board recognizes that there is a statement included in Appendix 3 attempting to convey this fact: "Not all areas within HMAs will include characteristics associated with GRSG habitat. For example, areas of connectivity between seasonal habitats or areas recovering from fire might not support vegetation used by GRSG but these areas will be included in HMAs. Mapping errors are also anticipated to occur with HMA maps and the BLM provides mechanisms to correct those errors when encountered within this current planning process (2024 DEIS)." (Appendix 3, Page 3-12). However, this is **not** an adequate explanation for how the BLM plans to identify or address these "mapping errors" with the obscure "mechanisms." Considering that HMAs have the potential to significantly impact livestock operators, this scattered approach provides no assurances that permittees can trust the BLM to manage these areas appropriately.

Coordination with Applicable State Regulations and Plans: Throughout the DEIS, the BLM seems to imply that the State of Nevada's only regulatory mechanism is the Conservation Credit System (CCS), and further implies that this is a "voluntary" system. However, the BLM should note that Nevada Revised Statute (NRS 232.162) established the Sagebrush Ecosystem Council, while Nevada Administrative Code (NAC 232) requires mitigation for anthropogenic disturbances that cause direct or indirect impacts to Sage-grouse or on Sage-grouse habitat on public lands. Furthermore, the 2019 Nevada Greater Sage-grouse Conservation Plan specifically states in Policy 3.1.2 that the State of Nevada's policy for all management actions is to "avoid, minimize and mitigate" any impacts to Sage-grouse habitat.

Per its own policies (namely 43 CFR Part 24), the BLM **is required** to coordinate with the State on all matters of wildlife management. Since 2015, coordination has been a major focus for the BLM and project proponents through the CCS. Any work to avoid or shrink impacts to Sage-grouse habitat are not captured in the CCS, since it only covers mitigation measures. Coordination with the State of Nevada is essential for the BLM to minimize impacts to Sage-grouse before any authorizations or decisions are made. It is also essential for the BLM to recognize that the State of Nevada considers grazing structures and agricultural use to be de minimus impacts, something that is not reflected in the DEIS. Per FLPMA's requirements (43 U.S.C. § 1712(c)(9)) for state and local plans and policies, the BLM must work with State and local agencies on the preferred alternative. This way, it is consistent with the appropriate State and local plans to the extent that is both required and allowable under federal law and executive order.

Proposed Areas of Critical Environmental Concern: The Board does not support the proposed ACECs and submitted a letter pertaining specifically to ACECs on May 14, 2024 via ePlanning (Attachment 2). The Board maintains its stance that it does not support the designation of the Montana Mountains, Owyhee West and Warm Springs ACECs.

Habitat Assessment Framework: The Habitat Assessment Framework (HAF) outlined in Appendix 8 is extremely concerning to this Board, particularly considering that Land Health Standards are the established criterion for public land management and HAF **cannot replace it**. It is alarming that the indicators included with the HAF give so little leeway for land managers to truly assess a site based on its unique needs, challenges, and realistic opportunities. Using specific requirements for height, percentage, distance, etc. dangerously pigeonholes these landscapes and management activities, and particularly livestock grazing. More emphasis needs to be placed on using Ecological Site Descriptions to determine the appropriate habitat indicators on a site-specific scale, in addition to thorough integration of and coordination between local and State agencies and partners.

The Board would also strongly suggest that the BLM provide a more comprehensive guide and outline of how the HAF will influence management decisions within HMAs; although Table 8-2 (Relationships of LUP, HAF, LHS, and MF relative to the GRSG Habitat Objectives) gives some context, this is a confusing part of the document, and it is unclear how exactly these tables are to be used.

The Board agrees with the BLM's statement that "it is inappropriate to use a single indicator from any of the included Tables 8-1.A-G or the HAF habitat suitability form to determine overall habitat suitability of a plot

unless sagebrush is absent or limiting" (Appendix 8, Section 8.2, Page 8-1). However, the Board strongly disagrees with the rest of the sentence stating that a single indicator may be used in the event that "sagebrush is absent or limiting" (Appendix 8, Section 8.2, Page 8-1). Single indicator assessment is inappropriate whether sage brush is present or not due to the wide variability in habitat utilized by Sage-grouse that is used concurrently by both the public and livestock permittees per the BLM's own multiple use mandate. As the BLM itself states earlier in Section 8.1 on this same page, "Habitat suitability occurs along a gradient ranging from unsuitable to suitable and is rarely uniform within and across the scales." This lack of uniformity and range in habitat clearly demonstrates that it is inappropriate for a single indicator to be used **at all** in determining habitat suitability.

The application, revision, and use of the Habitat Indicators Table must incorporate on-the-ground experience by livestock permittees as a key supplement to agency use of the Table and any revisions or best available science since livestock operators are on the landscape more than any other partner and have extensive, valuable local knowledge of these landscapes. Furthermore, these indicators must also align with the 2019 Nevada Greater Sage-grouse Conservation Plan, which, as stated above, **requires** the BLM to coordinate with the State on all matters of wildlife management. The benchmarks outlined in Table 8.2.4, the Nevada/California GRSG Habitat Indicators Table(s), i.e. Table 8-1.D. Nevada/California GRSG Habitat Indicators Table do not give adequate flexibility for areas where these objectives cannot be met due to limiting ecological factors wholly unrelated to management practices.

Inadequacies and Concerns with 2.5.10 Livestock Grazing and Appendix 15, Livestock Grazing Management BMPs and Design Features and Supplemental Information: Throughout both this Section and Appendix, the Board would suggest a greater emphasis be placed on establishing Allotment Management Plans (AMPs) as the most appropriate way to effectively manage livestock grazing at a site-specific scale to benefit Sage-grouse. AMPs provide the most efficient method for field managers to coordinate management goals and objectives with permittees so meaningful changes that create a positive impact for all involved parties can be achieved. Without an AMP, there is a lack of clarity and direction surrounding management decisions and projects for agency personnel and livestock operators.

This Board is strongly opposed to any voluntary grazing relinquishments resulting in the BLM considering "whether to offer the permit for re-authorization to other grazing applicants or if the public lands where that permitted use was authorized shall be used for other resource management objectives." The reallocation of a permit for any other "resource management objectives" is not acceptable to this Board. If a permit is relinquished, it should be offered to other permittees prior to any changes in authorized use.

Furthermore, it is not acceptable for the BLM to consider the "conversion of the allotment to a reserve common allotment that will remain available for use on a temporary, nonrenewable basis for the benefit of GRSG habitat." Without proper utilization, these allotments will result in increased fire risk due to the amount of decadent forage that would accumulate. Additionally, invasive annual species would have a greater chance to establish with no opportunity for grazing management to combat their spread.

In areas where supplements are being placed away from water sources, meadows, and riparian areas, there should be alternative water sources developed or identified to mitigate any negative impacts on livestock. Any areas that receive vegetation treatments where the BLM determines a rest from livestock grazing to be appropriate, should only be rested for two to three growing seasons to avoid negative implications such as the spread of invasive species and wildfire risk, both of which are identified by the State of Nevada as risks to Sage-grouse. Habitat mapping should be used to monitor these vegetation treatments in addition to the Sage-grouse habitat use-pattern mapping, which should be updated **annually** rather than "when available" (Appendix 15, Page 15-2). This entire draft document is based on mapping that is woefully incomplete or lacking due to its draft status, and this gray area surrounding the habitat use-pattern mapping only further demonstrates this point. It is additionally alarming due to the amount of proposed management that is reliant on the accuracy of habitat locations.

It is also a major flaw that livestock operators are not listed as key partners in management decisions, including, but not limited to, supplement placement and locations, water resources and their potential relocations, as well as habitat restoration activities. Livestock operators provide an important perspective on these landscapes that the BLM should capitalize on through coordination and collaboration with permittees. This Board is concerned with the minimal level of input that it appears the BLM is allowing livestock operators, when they are arguably the greatest indigenous knowledge of the resource, including Sage grouse presence and are the partners that likely are most impacted by the proposed alternative. Permittees should be involved in the determination of sites identified for management activities relating to restoration projects, including the removal or replacement of fencing and the use or closure of roads as both are discussed on Page 15-3 of Appendix 15.

Furthermore, it is concerning to this Board that the BLM effectively bypassed any true management changes concerning Wild Horses and Burros (WH&B) in this draft. There is discussion regarding temporary projects to eliminate livestock grazing in areas the BLM deems appropriate, yet it is undeniable that there are areas crucial to Sage-grouse (namely riparian areas which the BLM itself has recognized as being essential for Sage-grouse in this very draft) that have been decimated by overpopulation of WH&B. There is no discussion of placing fences within HMAs specifically to mitigate WH&B use, something that this Board feels could be an extremely useful resource. The BLM does not adequately address the WH&B catastrophe, and it is unacceptable to the Board that there is an entire appendix dedicated to livestock grazing and not one specifically dedicated to WH&B.

It is also confusing to this Board that Section 15.1.6 (Nevada Specific BMPs on Page 15-4) is included as the only state-specific BMP section in the draft. There is no explanation for why Nevada has specific BMPs that do not appear to be set up in coordination with the 2019 Nevada Greater Sage-grouse Conservation Plan. It is unclear why these practices are only being implemented in Nevada and how these BMPs were determined by the BLM, especially when this entire document has taken a range-wide approach. There is no apparent reason for Nevada to have a specific BMP section that is restrictive for livestock operators, when none of the other states have specific BMPs and there is no accounting for WH&B management regarding these same BMPs.

Within the table included in Appendix 15, there are several amendments and revisions to the 2019 plan that concern the Board. It is not acceptable for potential modifications to include "making allotment unavailable to grazing" without thorough explanation of how this drastic measure would be taken. Also, "considering no grazing from May 15-Sept. 15 in riparian areas and wet meadows" sets a murky parameter that is entirely too reliant on personal bias within BLM field offices and could be used against permittees to restrict grazing unnecessarily.

Percent utilization should be determined by site conditions, time of use, etc. rather than by species dominant habitat parameters. For example, it is a gross misjudgment to say that all Wyoming Basin big sage habitat only has an allowable percent utilization of 35% when some Wyoming Basin big stage stands pose the greatest wildfire risk and **should be** utilized more than 35% to mitigate that risk. These percentages do nothing to mitigate the major threats to Sage grouse identified in the 2019 Nevada Greater Sage-grouse Conservation Plan and only provide a way to pigeonhole the BLM and their flexible management opportunities. Planned grazing systems focused on site specific needs are best used to address any concerns related to season of use, deferment periods, utilization and other habitat needs.

Lack of Thorough Evaluation Regarding Socioeconomic Impacts of Livestock Grazing: The BLM did not conduct a thorough analysis of the economic or social impacts the proposed alternative would have on livestock grazing and affiliated communities in Section 18.3.5: Livestock Grazing of Appendix 18: Social and Economic Impact Analysis Methodology (Page 18-8). Social and economic impacts **cannot** be reduced to simply AUMs when there is a strong history and culture of livestock grazing both rangewide and in Nevada. Ignoring the effects on communities from livestock operations illustrates a major gap in the BLM's understanding and analysis of true social impacts from the proposed action. Limiting livestock grazing on public lands to benefit Sage-grouse would have an undeniable impact on the culture of thousands of rural communities that rely on livestock for their sole means of income.

The quantitative analysis provided in this draft does not do justice to the impacts the proposed action could and would likely have on rural communities. There is no analysis of range improvement costs incurred by permittees, nor the estimated economic loss of restricting turnout dates, water trough and water development losses or relocation, and reductions in percent utilization. All these factors will have undeniable economic consequences for landowners and permittees. Additionally, the BLM must also qualitatively analyze how the abovementioned changes or reductions in livestock grazing would culturally impact landowners and permittees in addition to the surrounding areas. It is clear through this Board's analysis that the BLM does not view livestock grazing as an essential component in the culture of the affected communities, which is unacceptable to the Board.

Final Considerations: The Board wants to clearly reiterate to the BLM that it is extremely concerned with the process and product as relates to the Draft RMPA. The Preferred Alternative must be consistent with State and local agency plans and provide the most comprehensive sideboards for public lands grazing management.

Please consider the attached document specific comments from the Board as well as the ACEC-Specific comment letter submitted on May 14, 2024. The Board appreciates the BLM's consideration of the above comments.

Sincerely,

Hank Dufurrena

Hank Dufurrena, Chairman
N-2 State Grazing Board

cc: Nevada Congressional Delegation
Governor Joe Lombardo
Jon Raby, BLM Nevada State Director
Humboldt County

Att: 2024-06-13 Att 1_BLM RE DRAFT RMPA EIS - N-2 Grazing Board-24-148.1.pdf
2024-05-14 FINAL Att 2_Comment Ltr to BLM RE DRAFT RMPA EIS - ACECs - N-2 Grazing Board-24-148.1-klm-jld-dj.pdf

N-4 State Grazing Board
P.O. Box 461, Panaca, Nevada 89042
(775) 962-1333

June 13, 2024

Bureau of Land Management
BLM Utah State Office
Attn: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84101

Via Email: ***BLM_HQ_GRSG_Planning***

RE: N-4 State Grazing Board Comments Regarding the Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning (DOI-BLM-WO-2300-2022-0001-RMP-EIS)

BLM Greater Sage-Grouse Plan Amendment Team,

The N-4 State Grazing Board (Board) is a political sub-division of the State of Nevada organized under Nevada Revised Statute 568 Grazing and Range. This Board represents the ranchers who operate on public land grazing allotments within the Ely BLM District. Many of these ranchers and grazing allotments stand to be affected by the Draft Resource Management Plan Amendment (Draft RMPA or Draft EIS) effort. The Board previously provided a comment letter specific to ACEC on May 13, 2024.

> **The Board was disappointed that its request for a 60-day extension for ACEC comments and a 30-day extension for Draft RMPA comments (120-days for each) was note granted.**

The Board had representatives at the April 16, 2024 BLM Public Meeting in Reno, NV as well as the BLM's virtual presentation to the Nevada Sagebrush Ecosystem Council on April 19, 2024. Board representatives listened into the Nevada Sagebrush Ecosystem Council Meeting on May 30 and the White Pine County Board of Commissioners Meeting on June 12, 2024 where comments to the Draft RMPA were discussed by both entities.

> **The Board supports the Nevada Sagebrush Ecosystem Council's direction to staff that comments must be consistent with the State of Nevada's Greater Sage-Grouse Conservation Plan (State Plan).**
>
> **The Board fully supports and endorses the comments provided by White Pine County, Nevada.**

The Board has reviewed both the e-Planning website and much of the Draft EIS. Comments are generally arranged by various topical areas listed below in **bold.**

BLM Capacity and Prioritization:

The Board does not believe the BLM has capacity to carry out standard administrative functions (i.e. processing grazing permits, implementing monitoring, etc.) at present. The Board questions how the BLM will be able to implement this Plan if approved. It is also clear that the BLM has had a clear mandate to prioritize permitting of renewable energy generation, storage and transmission. This has not only taken capacity away from other key management areas, but many of the proposed renewable energy projects have the high potential to harm both Sage-grouse and grazing permittees. Ironically, such harm seems to result in further restrictions to other multiple uses such as grazing. This errant focus will have a cascading negative impact on rural communities, their customs and their culture.

> **The Board recommends that the BLM deny applications for renewable energy development, transmission and storage within Sage-Grouse Habitat.**
>
> **The Board recommends that the BLM develop a Sage-grouse Plan specific to the State of Nevada that is consistent with the State Plan. This includes acknowledgement that proper grazing results in good Sage-grouse habitat and working collaboratively with permittees should be the BLM's priority.**

Concerns with the BLM's "Rangewide" Approach:

The Board is concerned that the BLM has determined a rangewide approach to be the appropriate method of analysis for all the Sage-grouse Resource Management Plans across the West. Each of the states included in this document has individual circumstances, public land management challenges, and socio-economic complexities that could not possibly be encapsulated in one document. The alternatives and their impacts are not thoroughly explained because such a high-level view does not provide enough detail to adequately do so. This also illustrates a clear conflict with FLPMA (43 U.S.C. § 1712(c)(9)) in that very little, if any, state input was seriously considered by the BLM.

> **The Board asks that the BLM consider providing a supplemental, Nevada-specific Draft Environmental Impact Statement that clearly outlines Alternatives which are in alignment with the applicable State and local plans.**

Mapping Concerns:

The various mapping "alternatives" in the DEIS do not appear to be drafted or published through the correct NEPA process, especially considering that management authority over Sage-grouse is held by the State of Nevada. The only map that has been approved by the State, aside from the included Sagebrush Focal Areas, is included in Alternative 1. It further appears that Alternative Maps 3 through 5 are drafted using incomplete

modeling from USGS. This lack of transparency can only lead to misunderstandings by the public and fallacies by the BLM when determining how these new maps will truly impact the management of Sage-grouse habitat.

The BLM must also clarify that the State of Nevada maps are largely based on a model and any final allocation decisions would be subject to change based on field verification of mapped habitat categories. The Board recognizes that there is a statement included in Appendix 3 attempting to convey this fact:

> *Not all areas within HMAs will include characteristics associated with GRSG habitat. For example, areas of connectivity between seasonal habitats or areas recovering from fire might not support vegetation used by GRSG but these areas will be included in HMAs. Mapping errors are also anticipated to occur with HMA maps and the BLM provides mechanisms to correct those errors when encountered within this current planning process (2024 DEIS). (Appendix 3, Page 3-12).*

Considering that HMAs have the potential to significantly impact livestock operators, the approach provides no assurances that permittees can trust the BLM to manage these areas appropriately as relates to grazing.

> **The Nevada-specific Supplemental Draft Environmental Impact Statement should only include final maps that are approved by the State of Nevada through its Sagebrush Ecosystem Council. This effort should also include a web-mapper that allows permittees to view HMA designations at an allotment level.**

Proposed Areas of Critical Environmental Concern:

The Board does not support the proposed ACECs and submitted a letter pertaining specifically to ACECs on May 14, 2024 via ePlanning (Attachmented).

> **The Board reiterates its opposition to designating ACECs within the Ely BLM District.**

Habitat Assessment Framework:

The Habitat Assessment Framework (HAF) outlined in Appendix 8 is extremely concerning, particularly considering that Land Health Standards (LHS) are the established criterion for public land management and HAF cannot replace it. It is alarming that the indicators included with the HAF give so little leeway for land managers to truly assess a site based on its unique needs, challenges, and realistic opportunities. Using specific requirements for height, percentage, distance, etc. dangerously and incorrection limits these landscapes and management activities, and particularly livestock grazing. More emphasis needs to be placed on using Ecological Site Descriptions to determine the appropriate habitat indicators on a site-specific scale, in addition to thorough integration of and coordination between local and State agencies and partners.

Table 8-2 (Relationships of LUP, HAF, LHS, and MF relative to the GRSG Habitat Objectives) gives some context, but this is a confusing part of the document, and it is unclear how exactly these tables are to be used. The Board agrees with the BLM's statement that "…it is inappropriate to use a single indicator from any of the

included Tables 8-1.A-G or the HAF habitat suitability form to determine overall habitat suitability of a plot unless sagebrush is absent or limiting" (Appendix 8, Section 8.2, Page 8-1). However, the Board strongly disagrees with the rest of the sentence stating that a single indicator may be used in the event that "sagebrush is absent or limiting" (Appendix 8, Section 8.2, Page 8-1). Single indicator assessment is inappropriate whether sage brush is present or not due to the wide variability in habitat utilized by Sage-grouse that is used concurrently by both the public and livestock permittees per the BLM's own multiple use mandate. As the BLM itself states earlier in Section 8.1 on this same page, "Habitat suitability occurs along a gradient ranging from unsuitable to suitable and is rarely uniform within and across the scales." This lack of uniformity and range in habitat clearly demonstrates that it is inappropriate for a single indicator to be used at all in determining habitat suitability.

The application, revision, and use of the Habitat Indicators Table must incorporate on-the-ground experience by livestock permittees as a key supplement to agency use of the Table and any revisions or best available science since livestock operators are on the landscape more than any other partner and have extensive, valuable local knowledge of these landscapes. Furthermore, these indicators must also align with the 2019 Nevada Greater Sage-grouse Conservation Plan, which, as stated above, requires the BLM to coordinate with the State on all matters of wildlife management. The benchmarks outlined in Table 8.2.4, the Nevada/California GRSG Habitat Indicators Table(s), i.e. Table 8-1.D. Nevada/California GRSG Habitat Indicators Table do not give adequate flexibility for areas where these objectives cannot be met due to limiting ecological factors wholly unrelated to management practices.

> **The Nevada-specific Supplemental Draft Environmental Impact Statement must include a more comprehensive description and outline of how the HAF will influence management decisions within HMAs. This must clearly articulate the interaction between HAF, LHS, and best available science such as Ecological Site Descriptions, State-and-Transition Models, and current state of a given site interplay.**

Inadequacies and Concerns with 2.5.10: Livestock Grazing; and,
Appendix 15: Livestock Grazing Management BMPs and Design Features and Supplemental Information:

Throughout Section 2.5.10 and Appendix 15, the Board would suggest a greater emphasis be placed on establishing Allotment Management Plans (AMPs) as the most appropriate way to effectively manage livestock grazing at a site-specific scale to benefit Sage-grouse. AMPs provide the most efficient method for field managers to coordinate management goals and objectives with permittees so meaningful changes that create a positive impact for all involved parties can be achieved. Without an AMP, there is a lack of clarity and direction surrounding management decisions and projects for agency personnel and livestock operators.

This Board is strongly opposed to any voluntary grazing relinquishments resulting in the BLM considering "…whether to offer the permit for re-authorization to other grazing applicants or if the public lands where that permitted use was authorized shall be used for other resource management objectives." The reallocation of a permit for any other "resource management objectives" is not acceptable to this Board. If a permit is relinquished, it should be offered to other permittees prior to any changes in authorized use.

Furthermore, it is not acceptable for the BLM to consider the "…conversion of the allotment to a reserve common allotment that will remain available for use on a temporary, nonrenewable basis for the benefit of GRSG habitat." Without proper utilization, these allotments will result in increased fire risk due to the amount of decadent forage that would accumulate. Additionally, invasive annual species would have a greater chance to establish with no opportunity for grazing management to combat their spread.

In areas where supplements are being placed away from water sources, meadows, and riparian areas, there should be alternative water sources developed or identified to mitigate any negative impacts on livestock. Any areas that receive vegetation treatments where the BLM determines a rest from livestock grazing to be appropriate, should only be rested for two to three growing seasons to avoid negative implications such as the spread of invasive species and wildfire risk, both of which are identified by the State of Nevada as risks to Sage-grouse. Habitat mapping should be used to monitor these vegetation treatments in addition to the Sage-grouse habitat use-pattern mapping, which should be updated annually rather than "when available" (Appendix 15, Page 15-2). This entire draft document is based on mapping that is woefully incomplete or lacking due to its draft status, and this gray area surrounding the habitat use-pattern mapping only further demonstrates this point. It is additionally alarming due to the amount of proposed management that is reliant on the accuracy of habitat locations.

It is also a major flaw that livestock operators are not listed as key partners in management decisions, including, but not limited to, supplement placement and locations, water resources and their potential relocations, as well as habitat restoration activities. Livestock operators provide an important perspective on these landscapes that the BLM should capitalize on through coordination and collaboration with permittees. This Board is concerned with the minimal level of input that it appears the BLM is allowing livestock operators, when they are arguably the greatest indigenous knowledge of the resource, including Sage-grouse presence and are the partners that likely are most impacted by the proposed alternative. Permittees should be involved in the determination of sites identified for management activities relating to restoration projects, including the removal or replacement of fencing and the use or closure of roads as both are discussed on Page 15-3 of Appendix 15.

Within the table included in Appendix 15, there are several amendments and revisions to the 2019 plan that concern the Board. It is not acceptable for potential modifications to include "…making allotment unavailable to grazing" without thorough explanation of how this drastic measure would be taken. Also, "…considering no grazing from May 15-Sept. 15 in riparian areas and wet meadows" sets a murky parameter that is entirely too reliant on personal bias within BLM field offices and could be used against permittees to restrict grazing unnecessarily.

Percent utilization should be determined by site conditions, time of use, etc. rather than by species dominant habitat parameters. For example, it is a gross misjudgment to say that all Wyoming Basin big sage habitat only has an allowable percent utilization of 35% when some Wyoming Basin big stage stands pose the greatest wildfire risk and should be utilized more than 35% to mitigate that risk. These percentages do nothing to mitigate the major threats to Sage grouse identified in the 2019 Nevada Greater Sage-grouse Conservation

Plan and only provide a way to pigeonhole the BLM and their flexible management opportunities. Planned grazing systems focused on site specific needs are best used to address any concerns related to season of use, deferment periods, utilization and other habitat needs.

> **The Board recommends that the BLM adopt a more collaborative approach to working with Permittees rather than implementing restrictions that will only increase the major threat to Sage-grouse in Nevada: wildfire and invasive species.**

Wild Horses and Burros:

It is concerning to this Board that the BLM effectively bypassed any true management changes concerning Wild Horses and Burros (WH&B) in this draft. There is discussion regarding temporary projects to eliminate livestock grazing in areas the BLM deems appropriate, yet it is undeniable that there are areas crucial to Sage-grouse (namely riparian areas which the BLM itself has recognized as being essential for Sage-grouse in this very draft) that have been decimated by overpopulation of WH&B. There is no discussion of placing fences within HMAs specifically to mitigate WH&B use. The BLM does not adequately address the WH&B catastrophe, and it is unacceptable to the Board that there is an entire appendix dedicated to livestock grazing and not one specifically dedicated to WH&B.

> **The Board recommends that the BLM emphasizes gathering horses to get to the low end of Appropriate Management Level as soon as possible.**

Lack of Thorough Evaluation Regarding Socioeconomic Impacts of Livestock Grazing:

The BLM did not conduct a thorough analysis of the economic or social impacts the proposed alternatives would have on livestock grazing and rural communities. Social and economic impacts cannot be reduced to simply AUMs when there is a strong history and culture of livestock grazing both rangewide and in Nevada. Ignoring the effects on communities from livestock operations illustrates a major gap in the BLM's understanding and analysis of true social impacts from the proposed action. Limiting livestock grazing on public lands to benefit Sage-grouse would have an undeniable impact on the culture of thousands of rural communities that rely on livestock for their sole means of income.

The quantitative analysis provided in this draft does not do justice to the impacts the proposed action could and would likely have on rural communities. There is no analysis of range improvement costs incurred by permittees, nor the estimated economic loss of restricting turnout dates, water trough and water development losses or relocation, and reductions in percent utilization. All these factors will have undeniable economic consequences for landowners and permittees. Additionally, the BLM must also qualitatively analyze how the abovementioned changes or reductions in livestock grazing would culturally impact landowners and permittees in addition to the surrounding areas. It is clear through this Board's analysis that the BLM does not view livestock grazing as an essential component in the culture of the affected communities, which is unacceptable to the Board.

The Nevada-specific Draft Environmental Impact Statement must include a more robust socio-economic analysis than is currently presented by the BLM.

Summary:

The Board wants to clearly reiterate to the BLM that it is extremely concerned with the process and product as relates to the Draft RMPA and Draft EIS thus far. The BLM must slow the process, refocus its effort, and provide more time for engagement and encouragement of key stakeholders.

Sincerely,

Gracian Uhalde, Chairman
N-4 State Grazing Board

Attachments: N-4 State Grazing Board Document Specific Comments
N-4 State Grazing Board Comment Letter RE: ACECs

CC: Nevada Congressional Delegation
Jon Raby, BLM Nevada State Director
Robbie McAboy, District Manager, Ely District Office BLM
White Pine County

Public comment on Sage Grouse

Thank you for allowing me to comment.

Whilst I am an avid supporter of improving sage grouse habitats, I am concerned that wild horses will be removed in the attempt to find solutions, despite main concerns being numerous anthropogenic disturbances, such as mining and energy development which have impacted sage grouse, human presence/noise, fences, and wildfire destroying habitat.

Wild horses and burros are in danger of being "scapegoated" and if that does occur, and many are removed from their designated HMAs, it could be that real problems are not resolved, and the habitat of sage grouse therefore not improved.

Regarding the proposals, one alternative allows for reduction in wild horse populations (AML) in any herd management area (HMA) where wild horses overlap with sage grouse habitats. This = 25.3 million acres, out of the 26.9 million acres that are managed for wild horses.

Another alternative, states that wild horses and burros that are currently managed on Primary Habitat Management Areas (PHMAs) for the Greater Sage Grouse, (GRSG) would be zeroed out.

Wild horses and burros, as stated by the 1971 Act, are to be considered as an integral part of public lands.

In WILD FREE-ROAMING HORSES AND BURROS MANAGEMENT (BLM Manual Rel. 4-111 Supersedes Rel. 4-89 2 07/07/2010 .01), it states under 4700.02 that the BLM are:

> B. To consider wild horses and burros in the areas where they were found in 1971 (Herd Areas or HAs) **as an integral part of the national system of public lands.**
>
> D. **To ensure management activities are carried out at the minimum feasible level necessary to attain the objectives** identified in approved land use plans (LUPs) and Herd Management Area Plans (HMAPs) and that **free-roaming behavior is maintained.**

Thus, it is imperative that in any proposed/ future amendments of LUPs and EISs regarding GRSG and sagebrush habitat, wild horses and burros be considered an integral part of public lands. In addition, for all HMAs, (Herd Management Area Plans (HMAPs) should be developed, and no negative assumptions made without a firm scientific base of critically examined studies. This is quite clear.

It has been claimed that the AML is set to ensure land health and that there is science to support this. Keeping wild horses to low AML is sometimes used to support land health: but BLM own data shows that land health status is not dependent on wild horses and burros (PEER, 2024). Originally, the AML was set by talking to ranchers and

they suggested the AML levels. The National Academy of Sciences in their report of 2013 referred to them as difficult for the public to understand, and not being acceptable scientifically. They also appear to allow far more livestock on an HMA, than wild horses and burros. An example I have of North Lander (from BLM EA 2012) is:

HMA	Low/high AML	AUM (livestock annual unit months)
Conant Creek	50/100	7,852
Dishpan Buttes	60/100	13,614
Muskrat Basin	160/250	23,906
Rock Creek	50/86	3,936
Total:	320/536	49,288

BLM EA North Lander 2012

Despite the allocations, on July 1st 2024, North Lander wild horses are being removed. Often **livestock have up to 80% of forage on wild horse HMAs.** Wild horses and burros, and wildlife, must exist on what remains. The message is that wild horses and burros must be kept at low AML - but livestock can be more easily managed, removed, moved.

However, livestock management is, comparatively, negated when the amount of trespass grazing, hot arid grazing, and BLM own data is considered. PEER (Public Employees for Environmental Responsibility) collated extensive BLM data by Peter Lattin, using the same methods as the BLM.

This is the Summary result to 2023:
(next page, 3)

PEER
PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY

Summary of U.S. Bureau of Land Management Land Health Standards Status Associated with Wild Horses (1997-2023)

Breakdown of Land Health Standards Status on Public Land Livestock Allotments

Description	Public Land (acres)
Total allotments meeting land health standards	57,820,276
Total allotments failing land health standards	56,751,898
Failing due to livestock	37,885,522
Failing due to causes other than livestock	11,899,530
Failing due to livestock in conjunction with wild horses	6,474,804
Failing solely due to wild horses (no reference to livestock)	951,812
Failing due to causes other than livestock or wild horses	4,221,134
Failing but cause not identified	6,966,846
Determination not complete	36,580,713
Other (blank, incomplete data)	1,200,667
Total public land allotments acreage	**152,353,554**

"Horses" and "Horses and Livestock" Attributed as the Causal Factor for a Failing Assessment-- out of 20,983 livestock allotments or 152,353,554 acres

Failing Reason	Allotments (#)	Allotments (%)	Public Lands (acres)	Public Lands (%)
Not Met due to Livestock and Horses	60	0.29%	6,474,804	4.25%
Not Met due solely to Horses	17	0.08%	951,812	0.62%
TOTAL	**77**	**0.37%**	**7,426,616**	**4.87%**

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https://peer.org/wp-content/uploads/2024/05/5-29-24-BLM-Land-Health-Status-Summary.pdf

This data shows that the main damage to rangeland health is livestock. The data set shows that there is very little impact from wild horses alone. That is not to state they

have no impact at all. But livestock is the key concern for land health and, therefore, for the greater sage grouse, insects, other birds and wildlife who depend on the sagebrush ecosystem.

It is recognized that the BLM are understaffed, but something must be put in place regarding land health assessment, the NEPA "loophole" and other problems, which puts sage grouse habitat in jeopardy.

For any naturally occurring high numbers of wild horses, there are several possible solutions. It is often stated that wild horses and burros have no natural predators (BLM website) but several studies have shown this to be incorrect (Andreasen et al 2021; Lundgren, et al 2022). Unfortunately, there is not enough time to fully evaluate this here.

However, the recent study by Andreasen et al (2021) discusses that mountain lions may be useful. The science is often misquoted, unfortunately, as

"At landscape scales, cougar predation is unlikely to limit the growth of feral horse populations".

This is not what the study said. The actual quote is:

"Behavior of individual cougars accounted for more than a third of the variation explained by our top models predicting predation on horses in the Great Basin. At landscape scales, cougar predation is unlikely to limit the growth of feral horse populations. In the Great Basin ecosystem, however, cougars of both sexes successfully preyed on horses of all age classes. Moreover, some reproductive, female cougars were almost entirely dependent on feral horses year-round.

Taken together, our data suggest that cougars may be an effective predator of feral horses, and that some of our previous assumptions about this relationship should be reevaluated and integrated into management and planning". © 2021 The Wildlife Society.

Interestingly, studies by Lundgren et al (2022) show that cougar predation reveals a trophic cascade:

"Our study is the first to reveal a trophic cascade involving cougars, feral equids and vegetation. *Cougar predation appears to rewire an ancient food web, with diverse implications for modern ecosystems. Our results suggest that protecting apex predators could have important implications for the ecological effects of introduced megafauna.*

Research does now suggest that cougar predation should be and integrated into management and planning.

Another solution is that of fertility control (not sterilisation). The American Wild Horse Conservation published a recent research study on this topic (there are also other ongoing projects to study and demonstrate the efficacy of PZP in difficult to reach areas). This study suggests excellent long term, achievable goals in difficult areas.

Abstract

In North America, range constraints due to burgeoning development increasingly encroach on wild horse habitat and necessitate effective but humane reproductive management. The largest free-roaming wild horse fertility control program by population (>3500) and territory size (≈300,000 acres) is located within Nevada's Virginia Range. Data from a field study investigated porcine zona pellucida (pZP) immunocontraception via remote dart delivery to mares in this population. Analyses aimed to measure efficacy by treatment effects on annual birth rates and population demographics and to evaluate treatment frequency and season against these variables. Analyses included mares' monthly data (January 2019–December 2022; 48 months), characterized by cumulative vaccination numbers subset into four classifications considering the vaccine as having no loss of efficacy or a loss within a 6-, 12-, and 18-month period post vaccination; from foaling data, the likelihood of being in foal and of conceiving in that month; and from age, as mature or immature (<1 years-old). A downward foaling rate and trend in the numbers of mature mares, descriptively presented at monthly intervals, showed markedly declining annual seasonal breeding peaks, with no observed change in foaling season or duration. Within four years, population coverage surpassed 70% and was associated with a 58% reduction in foaling, with only a 10% conception rate. Vaccinated mares increased proportionally: assuming a 12-month decay rate, the system reached stability at an average ≈1.0 vaccination/mare/year, providing a robust recommendation for treatment frequency contributing to best management practices.

Schulman et al (2024)

Below is a map showing the position of the Virginia Range, Nevada.

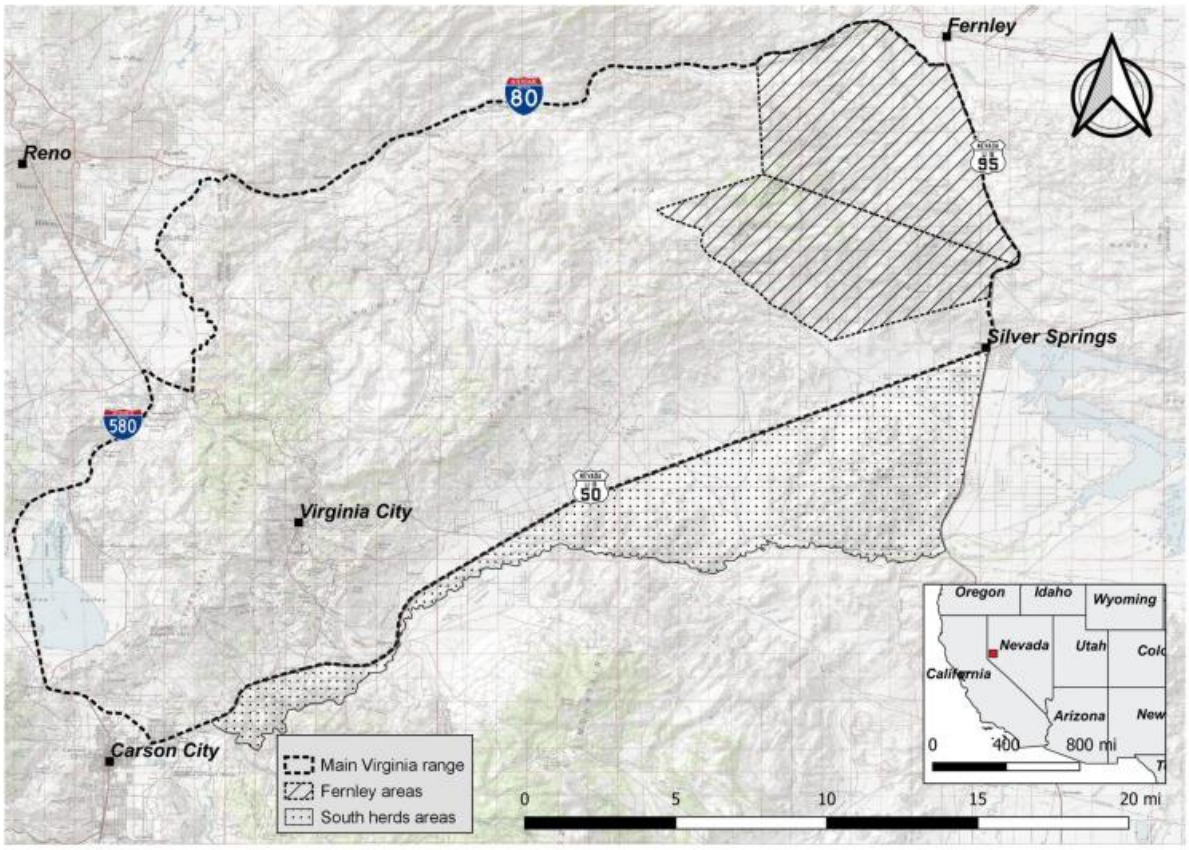

Figure 1

Map of Virginia Range, Nevada, USA, indicating the main Virginia Range (no fill), Fernley areas (line fill), and south herd areas (dot fill).

2.2. Free-Roaming Horse Population

The free-roaming horse population that inhabits the Virginia Range resides primarily on private land, with some public land interspersed, and is managed through the NDA. As this area is predominantly private land, development is continuously removing available rangeland. The currently ongoing Virginia Range fertility control program commenced on 9 April 2019. The study investigated data sourced from the current program for the 48 months observed from 1 January 2019 through 31 December 2022. Although the Virginia Range is bound in the south by the Carson River, darting permission for the program is valid only to Highway 50. Highway 50 is unfenced for large portions in addition to wildlife underpasses, and thus horses can cross back and forth. This population of horses south of Highway 50 remains predominantly untreated due to these restrictions (south herd areas, Figure 1). Additionally, the far eastern edge of the range (Fernley areas, Figure 1) did not begin documenting and darting effectively until 2022 once the program had expanded to include these areas.

5. Conclusions

There are, as frequently reported, undeniable challenges in applying immunocontraception to wild horse herds occupying the extensive, difficult-to-access terrain typical of the western USA. This study showed that sustained, multi-dose administration of a native pZP vaccine was able to significantly reduce growth rates of even a large and extensively distributed population inhabiting challenging terrain. Population coverage had reached 72.5% within four years, which resulted in an almost 60% reduction in foaling. This was possible despite the additional complication of mares missing vaccinations due to their movement outside the approved darting area. Even with the assumption of lowest efficacy, the proportion of mares vaccinated in this population had increased steadily. The more likely assumptions of some decline in efficacy, i.e., the intermediate scenarios, show that based on available data, the population coverage is currently somewhere between 40–80%, resulting in a conception rate of only 10%, with no shift or widening of foaling season. The most salient findings were as follows:

- The system reaches stability (even if adding mares to the population) assuming a 12-month decay rate ≈0–1.5 vaccinations, i.e., average ≈1.0 vaccinations/mare/year;
- Can recommend a target (assuming a 12-month decay rate) ≈1.0 vaccinations/mare/year;
- There was no reason to expect increased foaling rates based on current data.

Experience during the program's initial 4 years suggested a database with individualized records of all horses (males, females, and juveniles) facilitated the observed outcomes. Improvements in data recording and treatment delivery over this period were ascribed to increased familiarity with both the environment and target population. Consequently, this method of immunocontraception was associated with providing an effective, humane, publicly acceptable, and practical alternative to the previous reliance on lethal, logistically demanding, or inhumane control methods.

Authors: Schulman ML, Hayes NK, Wilson TA, Grewar JD. Immunocontraceptive Efficacy of Native Porcine Zona Pellucida (pZP) Treatment of Nevada's Virginia Range Free-Roaming Horse Population. Vaccines (Basel). 2024 Jan 18;12(1):96. doi: 10.3390/vaccines12010096. PMID: 38250909; PMCID: PMC10820100.

A possible solution I will mention briefly, is the idea of using wild horses and burros as a "fire brigade". Very recently, it has transpired that the news has reported that W Simpson's Wild Horse Fire Brigade is being taken seriously by the Elko County Board of Commissioners, who are supporting his idea.

https://www.kolotv.com/2024/06/13/could-wild-horses-help-prevent-wildfires-one-non-profit-is-making-it-happen/?fbclid=IwZXh0bgNhZW0CMTAAAR25cyNzxli-9s5KZZlGCYDOdHWyQ4G2SqSDOmfPD-

nGVklHXLQCwc_8V3g_aem_AfZV0fiPf4WaVmU7aSq0b0OlUyiNPrQYLPSFMHi0wfnshKEJMO4STHL7D-NHSYHFLH5dQxTV7OFmNUptfEkfNEDL

It is likely that each HMA will require evaluation and one or several solutions. So far, the BLM have managed the wild horses and burros for the short term, but if there is vision, there can be management for the long term.

Scientific concerns and inconsistencies

Some scientific research has been questionable. Unfortunately, these studies have been mentioned/cited by some respected groups and individuals, so could be influential, whether intentional or not. In Science, studies tend to be built upon, and so a poorly designed study can set the path askew for others.

The first study is "Impacts of Wild Horses, Cattle and Wildlife on Riparian Areas in Idaho" by Kaweck et al, 2018.

"Study Area
We monitored eight sites in Idaho (four in Owyhee County and four in Custer County; Fig. 3) for animal intensity of use and riparian habitat characteristics during 2015. Site selection was based on recommendations from local Bureau of Land Management (BLM) professionals and ranchers, accessibility for researchers, and known animal use."

This simply shows possible strong bias. Therefore, this study should not be used to support wild horse and burro removal.

The second study is the Coates et al study from 2021, regarding whether sage grouse are impacted by wild horses. A critical evaluation shows that livestock were not included as a variable. This immediately negates study results and conclusion. There are no good reasons for poorly designed scientific studies that will be influential in the field.

There have been several studies suggesting that wild horses exclude other species (including sage grouse – Munoz et al, 2021) from riparian areas throughout the American West.

This study by Munoz et al (2021) has been used to support the idea there might be negative effects of wild horses present on leks affecting sage grouse behaviour, that wild horses move the sage grouse from their leks. Brief evaluation is that the sample size was very small, and with few wild horses or cows presenting. To get a significant study result, it appears that the wild horses were "blamed". This is concerning, because such studies are cited by others and taken as factual science. Indeed, this study has been cited too often. Where is the critical evaluation?

A recent study by Hennig et al (2020) discusses that wild horses do not appear to

exclude other species; at least, ungulates. “Despite temporal overlap, we did not find evidence of interference competition between feral horses, cattle, and pronghorn. We recommend future examination of interference competition and its biological consequences between introduced and native ungulates at water sources of varying size across sites, equid population levels, and livestock stocking rates.”

There is a plethora of anecdotal evidence showing many species of animals and birds sharing resources with wild horses and burros in the form of photographs from people who regularly spend time with boots on the ground observing these animals in their natural habitat. Collecting data in the form of photographs is a form of citizen science.

In addition, this reminds that there are many issues related to greater sage grouse habitat decline and this should be remembered, the removal of wild horses and burros should not be considered at all, if possible.

“Ten percent of sagebrush has been converted to cropland.

Studies demonstrate that tillage rates of only about a quarter of a given landscape around leks can cause male grouse to abandon them. Cropland conversion also fragments the landscape more broadly and reduces the suitability of the remaining smaller patches of sagebrush. Cultivated lands no longer in production can take decades to recover and may even be permanently degraded from prior use of herbicides.

Energy development and mining have affected millions of acres of sagebrush.

This includes activities related to oil and gas and renewables, such as wind and solar. Impacts from development are well documented and remove habitat outright or render some of the remaining habitat nearby unusable to sage grouse due to disturbance around the infrastructure.

More than 20 percent of sagebrush habitat in the Rocky Mountain region has been affected by oil and gas development and mining. We also know that millions of acres of priority sage grouse habitat were leased for oil and gas development during the last administration, and many impacts from existing development were never fully mitigated in recent years.

Conifers are creating imbalance on the landscape.

Across the West, juniper and pinyon pine trees—native species to these landscapes—have expanded dramatically since European settlement and this has consequences for sagebrush and wildlife. Conifer expansion changes the vegetation and can negatively alter wildlife use, water and nutrient cycles, carbon storage, and resistance to invasion from invasive plant species. Removing conifer trees in sagebrush stimulates the growth of forbs and bunchgrasses up to 20 times over.

Unfortunately, while conifer removal has occurred across wide swaths of land in the West, the expansion continues to outpace removal, and we continue losing ground to this threat.

Climate change is accelerating threats to habitat.

Parts of the West are experiencing a 20-year megadrought, a clear sign that our changing climate is altering landscapes and making it more difficult to repair them once they are damaged. Warmer spring temperatures mean drier soil earlier in the season, and that leads to longer periods of hot and dry conditions during summer. In turn, these hotter and drier conditions leave plants with less resistance to wildfire.

These altered fire cycles have had enormous impacts on sage country, where fire season is now 134 percent longer. The enormity of these fires has also increased substantially over the past two decades, according to the USGS report. Since 2000, more that 20 percent of priority habitat management areas for sage grouse within the Great Basin alone have burned, in part due to climate conditions. And the next few decades are predicted to be even worse, further threatening the sagebrush ecosystem without serious investment and intervention.

Invasive cheatgrass is fueling more (and hotter) fires.

And then there's cheatgrass—an insidious non-native annual grass that has expanded across the West and particularly in the arid Great Basin region. This invasive species contributed to altering the normal fire cycle, producing much larger and more intense and frequent wildfires that consume huge expanses of sagebrush. Left unchecked, invasive plants degrade plant communities, wildlife habitat, and migratory corridors and threaten wildlife survival. They also can cause significant negative economic impacts.

Worse yet, like expanding conifers and wildfires, current management programs are addressing less than 10 percent of cheatgrass infestations—far more acres are becoming infected than are being treated, and agencies will continue to struggle to keep pace without robust funding.

The truth is that no one factor is affecting the entire range of the greater sage grouse, but this holistic and long-term picture of loss in sage grouse country points to one sure thing: an immediate need to conserve remaining habitat AND provide greater investments in sagebrush restoration"

by Ed Arnett, 2021.

Conclusion

This public comment is intended to very briefly discuss some important points, which are that wild horses and burros are not a main cause of sage grouse decline, that they must be treated as an integral part of the land, that the science must be duly considered and evaluated critically, and that the BLM must provide *current scientific proof* that wild horses and burros negatively impact sage grouse population habitat.

That science must not declare general damage to be by wild horse/burros. Any such evidence must be regarding a specific species (wild horse and burro) and it must be non-biased science. The studies should be preferably undertaken by independent researchers.

Further actions to protect sage grouse (without listing on the Endangered Species Act list) should be related to removing human disturbance, reducing hunting bags, livestock fencing, and the livestock should be reduced, if not eliminated on all GRSG habitat areas.

Thank you for the opportunity to comment.

Respectfully,

Lindsay Mann

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WYOMING STOCK GROWERS ASSOCIATION
Guardian of Wyoming's Cow Country since 1872

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June 13, 2024

Sage Grouse Plan Revision Team
c/o Sage Patricia June Deibert, National Sage-Grouse Conservation Coordinator
Bureau of Land Management
BLM Utah State Office
ATTN: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, Utah 84101

Dear Sage Grouse Plan Revision Team:

The Wyoming Stock Growers Association (WSGA) has represented out state's ranching industry since 1872. During that extensive period generations of Wyoming ranchers have experienced periodic increases and declines in sage grouse populations. Through the management of livestock grazing in a sustainable manner, ranchers have contributed to efforts by state wildlife managers to maintain a viable sage grouse population

The State of Wyoming has been successfully managing sage grouse habitat and corresponding populations since an initial State Plan was developed in 2002. Habitats have seen significant improvements, and the sage grouse population has remained stable, subject to annual fluctuations. Protection for Core Areas was formalized through the Governor's Executive Order in 2010. The Executive Order has been expanded and refined several times subsequently. The BLM Sage Grouse Plan for Wyoming, finalized in 2015 and revised in 2019 has generally been consistent with the State Plan as related to livestock grazing on BLM lands.

The Preferred Alternative, Alternative #5, as presented, could have significant broad impacts on continued grazing. WSGA has several specific areas of concern including the following:

1. It is our understanding that BLM is intending to issue a single west-wide sage grouse plan with certain state-specific provisions and individual state records of decision. This approach would place Wyoming at risk should the plan fail in other states. This is unacceptable. WSGA requests that BLM adopt a Wyoming specific plan as was done in 2019. This plan should be based on Wyoming's state sage grouse management plan which reflects the input of Wyoming interests.

2. Language indicating that existing range improvements could be required to be removed or relocated due to proximity to a lek is unacceptable. The presence of the lek is clear indication that the improvement is not an interference.

3. Grazing permittees/lessees currently strive to meet rangeland health standards that were developed for Wyoming with input from the Wyoming Resource Advisory Council (RAC). The adoption of sage grouse habitat specific standards to be applied throughout the west ignores the variability of resources and is unacceptable.

4. A provision providing that, if grazing within a sage grouse habitat is voluntarily relinquished by the permittee, the BLM has the option to place area into a "reserve common allotment" or a fire break and not be made available to another qualified applicant is in conflict with the Taylor Grazing Act. This provision must be deleted from the final draft.

5. The analysis and discussion of the impacts on grouse from predation is faulty. BLM attempts to relay the blame for predation on habitat conditions, failing to recognize and address the direct need for predator control.

6. The Preferred Alternative does not include the designation of Areas of Critical Environmental Concern (ACECs). However, Alternative 3 would designate 11,139,472 acres of ACES's strictly for the protection of sage grouse habitat. This would be a total abuse of the agencies ACEC authority. WSGA strongly opposes the inclusion of any new ACEC designations in the final plan for Wyoming.

The successful management of sage grouse habitat requires consistency over time. Significant changes to the management plan with each change in federal administrations is a formula for failure. The 2015 BLM Plan as modified in 2019 should be given the opportunity to continue to provide healthy sage grouse populations in Wyoming.

WSGA appreciates your thoughtful consideration of our comments.

Sincerely,

Jim Magagna

Jim Magagna
Executive Vice President

COALITION OF LOCAL GOVERNMENTS

1689 COUNTY ROAD 263
FORT BRIDGER, WY 82933

COUNTY COMMISSIONS FOR LINCOLN, SWEETWATER, AND UINTA – WYOMING, AND DAGGETT-UTAH; AND CONSERVATION DISTRICTS FOR LINCOLN, LITTLE SNAKE, STAR VALLEY, SUBLETTE, SWEETWATER, AND UINTA - WYOMING

June 13, 2024

VIA EPLANNING WEBSITE

Pat Deibert
BLM National Sage-Grouse Conservation Coordinator
BLM Utah State Office
Attn: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84101

Re: Coalition of Local Governments' Comments on the Bureau of Land Management's Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning

Dear Pat Deibert,

The Coalition of Local Governments ("Coalition") submits these comments on the Bureau of Land Management's Draft Resource Management Plan ("RMP") Amendment and Environmental Impact Statement ("DEIS") for Greater Sage-Grouse protection. The Coalition members have participated as cooperating agencies throughout this process, including during the revisions that occurred in 2015 and 2019. Coalition members have provided comments during cooperating agency review and the Coalition has also already provided comments on the BLM's analysis of proposed areas of critical environmental concern ("ACEC") in this Draft RMP and DEIS. These comments are all incorporated by reference.

The Coalition generally supported the 2019 RMP Amendments (Alternative 2) and has strongly opposed the 2015 RMP Amendments (Alternative 1). The Coalition supports some portions of the Preferred Alternative 5 for this RMP Amendment and provides the following comments below to encourage specific changes within the BLM's Preferred Alternative 5. In addition, the Coalition supports a state-specific management approach that is consistent with each States' wildlife agencies conservation efforts and opposes any attempt to establish national-level management actions that fail to consider variations in vegetation and local conditions.

I. STATEMENT OF INTEREST

The Coalition is a voluntary association of local governments organized under the laws of the State of Wyoming to educate, guide, and develop public land policy in the affected counties

and to protect the natural resources within the respected counties. Wyo. Stat. Ann. §§ 11-16-103, 11-16-122, 18-5-201. Coalition members include Lincoln County, Sweetwater County, Uinta County, Daggett County, Lincoln Conservation District, Sweetwater County Conservation District, Uinta County Conservation District, Sublette County Conservation District, Little Snake River Conservation District, and Star Valley Conservation District. The Coalition serves many purposes for its members, including helping to develop local government plans and policies, the protection of vested rights of individuals and industries dependent on utilizing and conserving existing resources and public lands, the promotion and support of fish and wildlife habitat improvement, the support and funding of scientific studies addressing federal land use plans and projects, and providing comments on behalf of members for the educational benefit of those proposing federal land use plans and land use projects.

Both the Counties and the Conservation Districts have authority to protect the public health and welfare of Wyoming and Utah citizens while promoting and protecting public lands and water resources. Wyo. Stat. §§ 11-16-122, 18-5-208; Utah Code § 17-27a-102(1)(a). By statute, the Wyoming Counties are "deemed to have special expertise on all subject matters for which it has statutory responsibility, including but not limited to, all subject matters directly or indirectly related to the health, safety, welfare, custom, culture and socio-economic viability of a county." Wyo. Stat. Ann. §18-5-208. As such, the Counties "may regulate and restrict . . . the use, condition of use or occupancy of lands for residence, recreation, agriculture, industry, commerce, public use and other purposes in the unincorporated area of the county." Wyo. Stat. Ann. §18-5-201. Daggett County also possesses the general land use authority to protect the tax base, foster the state's agricultural and other industries, facilitate growth, and provide for the health, safety, and welfare of its citizens. Utah Code § 17-27a-102(1)(a)(i)-(ii), (iv), (vi).

The Conservation Districts have statutory authority to develop and implement comprehensive resource use and management plans for range improvement and stabilization, conservation of soil, water and vegetative resources, control and prevention of soil erosion, and for flood prevention. Wyo. Stat. § 11-16-122(xvi). Their jurisdiction includes matters pertaining to the acquisition, construction, operation or administration of any land utilization, soil conservation, erosion control, erosion prevention, flood prevention projects, conservation of water, water utilization, disposal of water in watershed areas, and other water projects. Wyo. Stat. § 11-16-122(xix). In carrying out this statutory authority, the Conservation Districts are working "to stabilize ranching and farming operations, to preserve natural resources, protect the tax base, control floods, prevent impairment of dams and reservoirs, preserve wildlife, protect public lands, and protect and promote the health, safety and general welfare of the people of this state." Wyo. Stat. § 11-16-103(b).

II. SAGEBRUSH FOCAL AREAS

The Coalition supports the removal of Sagebrush Focal Areas ("SFA") under the Preferred Alternative 5. *See* DEIS at p. 2-13. Since the 2015 RMP Amendment, the Coalition has long supported the removal of SFA on the basis that they were never properly analyzed, and no

supporting documentation was ever provided to explain why a subset of sage-grouse habitat identified as "strongholds" were necessary for the persistence of the Greater Sage-Grouse population. The United States District Court for the District of Nevada held, the BLM's failure to analyze the designation of SFAs in the DEIS or to prepare a supplemental EIS in the Nevada Sage-Grouse Plan violated the National Environmental Policy Act. *W. Exploration, LLC v. U.S. Dep't of the Interior*, 250 F. Supp. 3d 718, 748-50 (D. Nev. 2017). The Court ordered BLM to prepare a supplemental EIS to analyze and allow the public an opportunity to comment on the designation and management of SFAs. *Id.*

In several instances in Wyoming, the SFAs correspond to areas previously identified and then rejected as possible ACECs. The areas were recommended to protect cultural resources and for their importance to sagebrush obligate species, such as sage-grouse, wintering mule deer, elk, and burrowing owls. The BLM Field Offices had concluded that the management in the land use plans was sufficient to protect the previously proposed ACECs and that the areas did not qualify as an ACEC due to the lack of a threat of irreparable harm. SFA designations in other states were equally arbitrary. There is no evidence that supports the U.S. Fish and Wildlife Service's ("FWS") identification of these "strongholds" and determination that they warranted further protection beyond those provide by PHMA designations and management.

In 2017, the BLM also determined that the withdrawal of SFA was not needed to protect sage grouse and cancelled the withdrawal. 82 Fed. Reg. 47248 (Oct. 11, 2017). Judge Winmill, however, has since vacated and remanded this decision for further consideration of whether the withdrawal is needed for sage grouse conservation. *W. Watersheds Project v. Bernhardt*, 519 F. Supp. 3d 763, 801, 803 (D. Idaho 2021). Judge Winmill found that the BLM had (1) failed to provide a reasoned explanation for reversing its prior position that the SFA withdrawal was needed (*id.* at 789-85); (2) failed to account for the FWS's reliance on SFA designation and withdrawal in its 2015 finding that listing sage grouse as threatened or endangered is not warranted (*id.* at 795-96); and (3) failed to consider the environmental impacts of mining, including functional habitat loss, loss of population connectivity, and potential severe localized impacts (*id.* at 797-801). But Judge Winmill's decision focused on the BLM's failure to provide a reasonable basis for changing its position regarding the proposed withdrawal and did not address whether the 2015 decision was appropriate in the first place.

The BLM states it is currently considering whether the withdrawal is appropriate in another process (*see* DEIS at pp. 2-18, 4-67), but the management decision to not designate any SFA under Preferred Alternative 5 would ultimately affect that withdrawal analysis. Because if no SFAs were identified, then there would be no areas to withdraw. *See id.* at p. 4-110 ("Alternative[s] 4 [and 5] would not designate any SFAs and would not recommend any areas for withdrawal from mineral entry."). The Coalition agrees with removing SFAs, but the BLM must ensure it addresses the concerns of Judge Winmill in deciding to remove SFAs from the RMP Amendment. In addition, the BLM must not mislead the public in stating that the withdrawal process for SFAs is separately underway (*see id.* at pp. 2-18, 4-67) when it is considering not identifying any SFAs in this Amendment and more specifically under the

Preferred Alternative 5 (*see id.* at pp. 2-13, 4-110). Or conversely, if the BLM is still considering the 2015 RMP Amendment's proposed withdrawal for SFAs, then it is disingenuous to claim in this RMP Amendment that Preferred Alternative 5 would have no SFAs or areas recommended for withdrawal.

III. LIVESTOCK GRAZING

The Coalition appreciates the BLM's recognition that "well-managed" livestock grazing is compatible with Greater Sage-Grouse persistence and that it can improve Greater Sage-Grouse habitat. DEIS at pp. 2-103, 4-7 – 4-8. This discussion is consistent with the State of Wyoming's conclusion that proper livestock grazing, trailing, and other animal husbandry has a *de minimus* impact on Greater Sage-Grouse habitat and requires no universal habitat objectives. Wyoming Executive Order 2019-3, Appendix G at 1-2. Properly managed livestock grazing is entirely compatible and even beneficial to Greater Sage-Grouse habitat. *See* Conway, C. J., C.A. Tisdale, K. Launchbaugh, D. Musil, P. Makela, and S. Roberts, *The Grouse & Grazing Project: Effects of cattle grazing on sage grouse demographic traits – Annual Reports*, College of Natural Resources, University of Idaho, *available at* https://idahogrousegrazing.org/.

However, the Coalition continues to object to the DEIS's focus on the negative impacts of livestock grazing throughout Chapter 4. *See e.g.* DEIS at p. 2-103 ("Impacts from *improper* grazing associated with not meeting Land Health Standards are analyzed in Chapter 4." (emphasis added)). In the impacts analysis, the BLM should not only be focusing on impacts of *improper* grazing when it has occurred on only about 10% of the allotments "with at least 15% PHMA." *See id.* at Vol. 3, p. 9-4. For example, under Alternative the livestock management section (which Preferred Alternative 5 incorporates) it states that "BLM would alter management objectives and actions to minimize, reduce, or correct for any impacts to GRSG and habitat." *Id.* at 4-29. Or under Alternative 3 where it states: "livestock would be removed from PHMA and impacts to GRSG and habitat associated with grazing, such as habitat alterations . . . would be reduced." *Id.* at p. 4-24.

The BLM must include the discussion from Chapter 2 on how properly managed livestock grazing can be beneficial to Greater Sage-Grouse habitat throughout the impacts discussion in Chapter 4. It does this once by mentioning under Alternative 3 that removal of livestock grazing could lead to increased wildfire without livestock to reduce fine fuels. *See id.* The BLM should also mention under the alternatives that proper livestock grazing, which occurs on about 90% of the allotments "with at least 15% PHMA (*id.* at Vol. 3, p. 9-4), will not impact or would otherwise benefit vegetation and Greater Sage-Grouse habitat within areas containing PHMAs. Implementing certain management actions or reducing livestock grazing only becomes necessary if it is determined to be a significant casual factor in an allotment not reaching the Land Health Standards.

A. Habitat Assessment Framework

The Coalition recognizes that the BLM emphasizes that the Habitat Assessment Framework ("HAF") is only one of assessment tools and it does not replace the Land Health Standards (*see* DEIS at pp. 8-1, 8-21 – 8-22), but it is still concerned with how it will be utilized once the RMP is final. The Coalition has long objected to the values in HAF as being unsupported by credible science because the samples sizes are such small site-scale assessments that are not necessarily applicable across the entire range of Greater Sage-Grouse habitat. In addition, it is concerning that through all the land use plan revisions the BLM continues to rely upon much of the same research but the percentages of cover, sagebrush height, and perennial grass and forb height have varied during each planning effort. New literature has convinced the BLM to abandon a rigid numerical grass height requirement in most of the states, including in Wyoming (which the Coalition supports), but they continue to push it in other states such as Colorado. *See id.* at pp. 8-2, 8-19. How can the same literature references lead to different results when grass height requirements have been proven to be inappropriate?

In addition, the BLM has implemented HAF as the standard and finds grazing allotments out of compliance if any indicator is not met. The Coalition appreciates the inclusion of discussion on the appropriate use of HAF in Appendix 8, including a list of inappropriate uses of HAF. *Id.* at p. 8-22. But some of the language in the Preferred Alternative 5 is not entirely consistent with the guidelines and discussion in Appendix 8. For example, Management Action RM-2 states: "For GRSG, the standard would generally be met when vegetation conditions provide for suitable or marginal GRSG habitat at the HAF site scale (see Table 8-1, Appendix 8), based on existing ecological condition, ecological potential, and existing vegetation information." *Id.* at p. 2-106. When standards are not met, based on a site-scale HAF assessment, and livestock grazing is a significant casual factor, then Management Action RM-2 calls for the "adjustments to livestock grazing practices and activities." *Id.* The Management Actions should make clear that (1) a single indicator from the HAF Tables 8-1.A-G cannot be the basis for modifying a grazing permit; and (2) adjustments to grazing use is inappropriate without adequate monitoring data. *See id.* at p. 8-22.

Objective SSS [Y] states: "Manage GRSG habitat management areas to provide seasonal habitats at the HAF Site Scale (Level 4) by providing for habitat characteristics that support seasonal habitat needs . . ." *Id.* at p. 2-27. Management Action SSS [Y2] then states: "Maintain, improve, or restore the suitability of GRSG seasonal habitats using the Habitat Indicators Table (see Appendix 8) to inform measurable project objectives during implementation-level planning for BLM-permitted and BLM-initiated site-specific actions in HMAs." *Id.* The BLM must recognize in this Objective and Management Action that "[n]ot all areas within a given habitat management area will be capable of meeting the identified seasonal habitat values in the Habitat Indicators Table due to inherent variation in vegetation communities and ecological potential." *Id.* at p. 8-1. Tables 8-1A-G and their associated habitat values are not always achievable at every habitat location, so both the Objective and Management Action mentioned above must

make clear that the Tables truly only provide a reference point, but additional data and information must be assessed for any site-specific determination.

B. Additional Specific Comments on Proposed Management Actions

The Coalition also provides the following comments as it relates to specific Proposed Management Actions:

a. **Management Action RM-1**: "During grazing authorization renewals, Allotment Management Plan development, or other appropriate implementation-level planning, consider adjustment to active AUMs, timing, intensity, duration, and frequency of grazing are completed at the allotment scale based on site-specific conditions to meet or make progress towards meeting Land Health Standards for special status species." DEIS at p. 2-105.

   i. The BLM must include language within this Management Action that recognizes that no adjustments to AUMs, timing, duration, etc. of grazing will occur unless and/or until it is determined that livestock grazing is a significant casual factor for not meeting the Land Health Standards for special status species prior to any adjustments to grazing permit are made.
   ii. This comment is equally applicable to the Best Management Practices for Livestock Grazing in Appendix 15 at p. 15-2.

b. **Management Action RM-4**: "During the grazing authorization renewal process, evaluate all existing livestock management range improvements with respect to their effect on GRSG and GRSG habitat. Consider removal or modification of projects that negatively affect GRSG or GRSG habitat." DEIS at p. 2-109.

   i. The Coalition is concerned about this management action and the cost it could place on permittees and/or the state or federal agency that are responsible for the range improvement. For example, the BLM could use these evaluations to require permittees to remove allotment and/or pasture boundary fences that have been in place for decades and replace them with expensive virtual fencing. Consistent with Wyoming EO 2019-3, range improvements (i.e. fences) should be considered *de-minimis* and removal thus unnecessary.

c. **Management Action RM-5**: "Design new range improvement projects . . . to enhance livestock distribution or management and to control the duration, timing and intensity of utilization, <u>including application of new technologies such as virtual fencing</u>." DEIS at p. 2-110.

i. The Coalition requests the removal of the underlined language above. Virtual fencing is expensive and impracticable on larger landscapes. While the BLM may consider it as an option when determining the appropriate fence for a particular allotment, it is not necessary to specifically mention it in this Management Action.

d. **Management Action RM-6**: "Identify fences in high-risk areas – especially within 1.2 miles of an active lek . . . – or other areas identified as important seasonable habitats or areas of GRSG concentration . . . in coordination with the state wildlife agency. Evaluate if the fence is needed and/or up to BLM standards. . . If the fence is unnecessary, remove it. If the fence is needed to support management, mark fences . . . in high risk or important areas . . ." DEIS at p. 2-111.

i. The Coalition objects to the removal of any existing fencing. Wyoming recognizes that the maintenance and modification of existing fencing has a *de minimis* impact on Greater Sage Grouse. Wyoming EO 2019-3. To the extent the BLM is unwilling to remove this part of the Management Action, the BLM should coordinate its evaluation of any fences with the permittee because the permittee will know whether a particular fence is necessary and supports the management of livestock on the allotment.

e. **Management Action RM-7**: "At the time a permittee or lessee voluntarily relinquishes grazing preference and the associated authorization, the BLM will consider whether to offer the permit for re-authorization to other grazing applicants or if the public lands where that permitted use was authorized shall be used for other resource management objectives. . . . When a permittee or lessee voluntarily relinquishes grazing preference and associated grazing authorization, consider conversion of the allotment to a reserve common allotment that will remain available for use on a temporary, nonrenewable basis for the benefit of GRSG habitat." DEIS at p. 2-112.

i. The Coalition objects to this Management Action. The decision of one permittee to relinquish his grazing permit should not result in the permanent closure of a grazing allotment or converting it to a reserve common allotment. Even if temporary grazing is allowed in a reserve common allotment, history has shown that little to no grazing ever is allowed.

f. **Appendix 15 – Livestock Management Best Management Practices**: "Avoid disturbing lekking and roosting GRSG from human, guard animal, and

sheep activities by trailing, overnighting, watering, and bedding sheep on public lands at least 0.6 miles from occupied leks (dates of lek activity determined locally, approximately March 15–May 1 in lower elevations and March 25–May 15 in higher elevations)."

i. The Coalition objects to this best management practice as it is inconsistent with Wyoming EO 2019-03, which recognizes that existing herding and trailing activities have a *de minimis* impact on Greater Sage-Grouse habitat.

IV. AREAS OF CRITICAL ENVIRONMENTAL CONCERN

The Coalition submitted comments on the BLM's analysis of ACECs on May 14, 2024, and incorporates those comments by reference here. The Coalition supports Preferred Alternative 5's decision to not designate any new ACECs. The BLM recognizes in the DEIS that "PHMA, IHMA, and GHMA allocations provided a comprehensive management framework, covering a diverse array of management actions and restrictions in Alternatives 1-6, effectively capturing GRSG habitat and most ACECs." DEIS at p. 4-120. There is no need to include another management layer by designating specific sage-grouse habitat as ACECs. And while the BLM states "ACEC designations adds a layer of specificity, enabling more targeted approach to address unique relevant and important values" not covered by the broader allocations, there is no discussion as to how that is accomplished in proposing the specific ACECs under Alternatives 3 and 6. The BLM correctly concludes under Preferred Alternative 5 that special designations are not required to "protect and prevent irreparable harm" to sage-grouse habitat – this protections is already accomplished through PHMA management direction.

Not designating any additional ACECs is also consistent with the Coalition member's local land use plans. Sweetwater County's Federal Lands and Resources Plan, at Sections 21.4.2.1 – 21.4.2.3 (June 2022); Uinta County's Comprehensive Plan, at p. 22 (2011); Lincoln County Comprehensive Plan, Appendix 3 at pp. 38-40 (Jan. 19, 2021); Daggett County's General Plan, Ch. 8 at pp. 14, 37-38, 64-65 (2022); Sweetwater County Conservation District's Land & Resource Use Plan & Policy, at 92 (2020 – 2025); Sublette County Conservation District Public Land Use Policies, at pp. 6, 28-30 (2008); Lincoln County Conservation District ("LCCD") Long Range Plan, at p. 50 (2021-2026).

V. DISTURBANCE CAPS AND LEASE STIPULATION WAIVERS, EXCEPTIONS, AND MODIFICATIONS

The BLM proposes under both Alternatives 4 and 5 a no surface occupancy ("NSO") stipulation for <u>all</u> PHMA. *See* DEIS pp. 2-54, 4-26. The Coalition objects to an across-the-board NSO for all PHMA because there is no scientific support for including such a stipulation when there are already NSO stipulations within certain distances from active leks, seasonal restrictions, and disturbance density requirements. A NSO across all PHMA is further inconsistent with

Wyoming Executive Order 2019-3 and contradicts the proposed management action for Preferred Alternative 5 that would only make PHMA *avoidance* areas for wind and solar development. *See* DEIS at p. 2-93. Wind and solar facilities result in the same and in some cases more disturbance than oil and gas development and are not restricted by a NSO across all PHMA.

A NSO for all PHMA may also not have the beneficial impact in Wyoming that the BLM is anticipating (*see* DEIS at p. 4-26 ("[A]n NSO stipulation within PHMA . . . would also decrease the potential for disturbance and habitat loss, alterations, and fragmentation."), because it will only push surface disturbing activities onto neighboring state and private lands – especially in southwestern Wyoming where the Checkerboard is involved. Disturbances to PHMA or Core Habitat would not be reduced but instead relocated. Therefore, the BLM must remove the NSO stipulation from Preferred Alternative 5.

The Coalition also has continued to object to a 3% - 5% disturbance cap within all PHMA throughout the various plan revisions. The studies relied upon by the BLM to support the cap (1) did not actually test disturbance caps but used a model to predict sage-grouse attendance based on distance from potential sources of disturbances; or (2) were based on areas that waived protective stipulations to assess impacts without them. *See* Ramey, et al., *A Report on National Greater Sage-Grouse Conservation Measures Produced by the BLM Sage-Grouse National Technical Team,* at pp. 28-30 (Sept. 19, 2013); *see also* Rob Roy Ramey, *Spatial and Temporal Analysis of Oil and Gas Development, Mitigation, and Greater Sage-Grouse Lek Attendance in the Pinedale Planning Area, Wyoming 1990-2012* (2014); Center for Environmental Science, Accuracy and Reliability (CESAR), *Science or Advocacy? Ecology and Conservation of Greater Sage-Grouse: A Landscape Species and Its Habitats: An analysis of the four most influential chapters of the monograph* (Feb. 1, 2012). In addition, more recent work established that Greater Sage Grouse returned to the area within a few years of the original disturbance. *See*

The Coalition further questions the inclusion of a 3% disturbance cap at the HAF Fine Scale habitat selections area versus the 5% disturbance cap at the project scale. *See* DEIS at 2-29. This 3% disturbance cap is inconsistent with Wyoming Executive Order 2019-3 and the BLM provides no information as to its purpose and necessity. Would there be any instance where a proposed development project would exceed the 3% cap at the HAF Fine Scale but otherwise be within the 5% cap at the project scale?

Overall, both a NSO stipulation in PHMA and the disturbance cap will severely limit and restrict development projects on federal land. In particular, it restrains the ability of continued oil and gas development and the leasing/development of any new wells. The disturbance cap also has the potential to severely restrict, and possibly prevent, the new proposed trona mines in Sweetwater County. They not only prevent the development of the wells and mines, but also impact the ability to develop the supporting infrastructure such as roads, powerlines, and pipelines. These types of severe restrictions are unnecessary to protect Greater Sage Grouse habitat considering the other types of buffers, seasonal restrictions, and mitigation requirements

proposed. The use of unreasonable barriers and impediments to mineral and energy development is also inconsistent with local land use plans. *See* Sweetwater County's Federal Lands and Resources Plan, at Sections 2.1.1, 2.2.2, 7.2.7.1-7.2.7.2 (June 2022); Uinta County's Comprehensive Plan, at p. 21 (2011); Lincoln County Comprehensive Plan, Appendix 3 at pp. 27, 62-63, 67 (Jan. 19, 2021); Daggett County's General Plan, Ch. 8 at pp. 15, 43-45, 70-71, 96 (2022); Sweetwater County Conservation District's Land & Resource Use Plan & Policy, at pp. 23, 31 (2020 – 2025); Sublette County Conservation District Public Land Use Policies, at pp. 5-6, 40-42 (2008); Lincoln County Conservation District Long Range Plan, at p. 50 (2021-2026).

In addition, the Coalition includes the following comments on specific proposed Leasing Objectives and Management Actions:

1. **Fluid Mineral Development and Leasing Objective**: Preferred Alternative 5 would not include any specific objective or management for fluid mineral leasing strategy and any leasing decisions would be "considered in GRSG habitat management areas consistent with the Secretary's discretion under the Mineral leasing Act, . . . as well as applicable BLM regulations and policies, . . ." DEIS at p. 2-41.

    a. The Coalition appreciates the removal of language referencing "prioritization" of leasing outside PHMA and GHMA, but we would note that existing BLM policy and implementation of the policy has the same result as the "prioritization" under the 2015 RMP Amendment. In Wyoming, the BLM continues to defer all proposed parcels for a lease sale that contain PHMA even after considering the proximity to existing oil and gas development, production potential, and drainage concerns.

2. **Exception #2 – NSO Stipulations in the Remainder of PHMA:** Alternative 4 would require compensatory mitigation to "be completed and habitat functionality documented before an exception is granted." Preferred Alternative 5 adjusts this language and states that the project just needs to be "planned, funded, and approved," and that in addition the area of habitat improvement associated with the mitigation must increase to account for the risk it may fail or specific assurances (i.e. bonding) must be provided. DEIS at pp. 2-54 – 2-55; *see also id.* at pp. 2-73 – 2-75.

    a. As discussed above, the Coalition objects to all PHMA containing an NSO stipulation. That being said, the Coalition also objects to Alternative 4's requirement that projects associated with compensatory mitigation be completed prior to an exception being granted. Habitat improvement projects can take years to complete and to become fully functional, so it would be unrealistic to require the project to be completed prior to granting an exception. The Preferred Alternative 5 language is preferable, but the Coalition questions the BLM's authority to require an "increase" in the area of habitat improvement to account for risk of failure. This requirement is leaning back towards the requirement of a

"net conservation gain," which is inconsistent with the undue and unnecessary degradation standard in FLPMA 43 U.S.C. § 1782(b); *see also Koontz v. St. Johns River Water Mgmt. District*, 570 U.S. 595 (2013) (applying takings analysis to scope of permissible mitigation).

b. Preferred Alternative 5's recognition that compensatory mitigation only needs to be "planned, funded, and approved" is inconsistent with the Mitigation Section that states for Alternatives 3-6 that: "Compensatory mitigation should be completed prior to initiating the activity causing the need for compensation and monitored for retention and efficacy." DEIS at p. 2-23. This language needs to be adjusted to reflect the Preferred Alternative 5's recognition that it does not have to be completed prior to receiving an exception to the NSO stipulation.

VI. MITIGATION FRAMEWORK

The Coalition appreciates the BLM continuing to recognize that the net conservation gain strategy proposed in the 2015 RMP Amendments is flawed and not carrying it forward within Alternatives 3 – 6. *See* DEIS at p. 2-23. The BLM has no authority to require mitigation of public land uses that exceed the undue and unnecessary degradation standard under the Federal Land Policy and Management Act ("FLPMA"). 43 U.S.C. 1782(b). Moreover, past policies and directives show that the BLM has no additional authority to implement a "net benefit," "net gain," or other standard that requires improvement of Greater Sage Grouse habitat as a condition of a permit or lease. *See* BLM Instruction Memorandum 2019-018 (Dec. 6, 2018); *see also* U.S. Fish and Wildlife Service Mitigation Policy, 83 Fed. Reg. 36472 (July 30, 2018) ("In light of the change in national policy . . . and concerns regarding the legal an policy implications of compensatory mitigation, particularly compensatory mitigation with a net conservation gain policy, the Service has concluded that it is no longer appropriate to retain references to or mandate a net conservation gain standard . . .").

The BLM states in the Mitigation Section that: "Mitigation amounts should comply with State agency or regulatory requirements and consistent with BLM mitigation policy. In States without a mitigation requirement, mitigation should *minimally* meet no net habitat loss." DEIS at p. 2-23 (emphasis added). The way these two statements are drafted, it implies that a "net gain" requirement could be required if it is required at the State level. However, the BLM is not required nor bound to follow state programs or requirements that conflict with federal law and policy. The BLM can only apply its proposed "no net habitat loss" or no undue or unnecessary degradation standards. *See Theodore Roosevelt Conservation P'ship v. Salazar*, 661 F.3d 66, 76-78 (D.C. Cir. 2011) (FLPMA's unnecessary or undue degradation standard must be read in light of BLM's responsibility under FLPMA to ensure public lands are managed under multiple use and sustained yield.); *see also Gardner v. U.S. Bureau of Land Mgmt.*, 638 F.3d 1217, 1222-1223 (9th Cir. 2011) (Section 1732(b) does not mandate BLM to adopt restrictions that would completely exclude off-road vehicle use in a specific area.).

VII. ADAPTIVE MANAGEMENT

The BLM has acknowledged that "State wildlife agencies have primacy over GRSG populations" and must "consider all available information regarding population threshold status . . . includ[ing] state wildlife agency population trend analysis." DEIS at p. 2-121. The Coalition appreciates the BLM's recognition of the State's responsibility of managing wildlife and the importance of relying upon State population information. And while the BLM has consistently attempted to find a consistent way of tracking population across all states, the Coalition agrees with the Wyoming Game and Fish Department on its prior statements, discussions, and conclusion that the Targeted Annual Warning System (TAWS) is not the most accurate data set to rely upon. The BLM must give substantial weight and largely defer to each of the individual states' wildlife population data because the states have primacy over wildlife.

When an adaptive management threshold is met, then the BLM, in coordination with the state wildlife agency, experts, and affected parties, will conduct a causal factor analysis ("CFA") to help inform the response. DEIS at pp. 2-124 – 2-125. "If the CFA identifies the cause for habitat or population declines BLM will modify any permitted activity identified as a causal factor to meeting a threshold, as legally allowable, on BLM lands in coordination with the permit holder." *Id.* at p. 2-126. The BLM must revise this sentence to acknowledge that only those "significant causal factor(s)" to meeting a threshold will require permit modification. This is consistent with the application of the Land Health Standards and shows that a particular use is the significant causal factor, not just an insignificant causal factor, to not meeting the standards. The Coalition would request this revision to the "causal factor" language throughout the Adaptive Management Response language. The BLM is also required to change it in relation to discussion of grazing permits (*id.*), because a grazing permit cannot be amended without a determination that it is a *significant casual factor* to not meeting the Land Health Standards and not just a "contributing factor" to an adaptive management threshold as described in the DEIS currently. *See id.*

VIII. CONCLUSION

The Coalition appreciates the consideration of these comments on the Greater Sage-Grouse RMP Amendments and DEIS, and its members look forward to continued coordination and discussion to better refine the Preferred Alternative 5.

Sincerely,

Eric South

Eric South, Chairman
Coalition of Local Governments

Weston County
Natural Resource District

Providing leadership in conserving the natural resources in Weston County by providing information, education, and technical assistance to meet the needs of our users.

1225 Washington Blvd, Suite 3, Newcastle, WY 82701
307.746.3264 x4 westoncountynrd.org

June 13, 2023

Tracy Stone-Manning, Director
Bureau of Land Management
1849 C St. NW
Washington, DC 20240

Submitted Via: eplanning.blm.gov

RE: Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning

Dear Director Stone-Manning:

On behalf of our district members, we appreciate the opportunity to comment on the notice of availability of the Draft Resource Management Plan Amendment (RMPA) and Environmental Impact Statement (EIS) for Greater Sage-Grouse (GRSG) Rangewide Planning (Draft RMPA/EIS). We understand the Bureau of Land Management (BLM) is asking for public comments on the Draft RMPA/EIS and on the BLM's consideration of potential areas of critical environmental concern (ACECs).

We understand that the RMPA would change seventy-seven (77) BLM land use plans, collectively referred to as resource management plans (RMPs), across ten (10) Western States, including all ten BLM RMPs in Wyoming.

Interest Justification

By state statute, the Weston County Natural Resource District is tasked with the conservation of the natural resources of Weston County, including the protection of our water, soil, vegetation, and air quality, the preservation of wildlife habitat, protection of the tax-base, and the promotion of the health, safety, and general welfare of the people. The protection and enhancement of the natural resources on our public lands also falls under our mandate.

Conservation districts were created in the 1930's to provide local oversight and coordinate conservation efforts by both local and state entities, as well as federal agencies. With the charge of developing long-term goals focused on locally led, voluntary conservation, providing leadership in communities, and assisting through both technical as well as financial assistance. Conservation District's in Wyoming are also charged by state statute to participate as a cooperating agencies in the federal rule making process. But the way that this is being proposed is side stepping this process.

COMMENTS Draft Environmental Impact Statement

1. The District supports an appropriate scale for planning and analysis. Using a large project area for analysis skews the analysis and subsequent effects shown in the analysis to the point where the decision made from the analysis contains flaws and may result in an inappropriate outcome. Should be a Wyoming developed plan, not just a Wyoming decision from a rangewide plan.

Board of Supervisors

David Tysdal Tucker Hamilton Emily Hartinger Gene Norman Tom Streeter

2. The WCNRD asserts that the Wyoming Governor's Executive Order 2019-3 on Greater Sage-Grouse (GRSG) Core Area Protection (Wyoming Core Area Strategy) should be the standard for all GRSG management in Wyoming when considering decisions to conserve GRSG and their habitats. We support a RMPA for Wyoming that is developed through coordination with the state's applicable agencies, cooperating agencies, and public input to strengthen and coordinate BLM plan alignment with the Wyoming Core Area Strategy and conservation plan.

   The WCNRD implores the BLM to incorporate the de minimis activities from the Wyoming Core Area Strategy, Appendix G into the preferred alternative and ultimately the Wyoming Record of Decision.

3. As in much of Wyoming, Weston County has vast amounts of mixed land ownership areas, with many BLM parcels currently not fenced separately as they are often too small to manage on their own. The BLM RMPA has the potential to negatively impact the current use of neighboring lands. The WCNRD supports private property rights and will not support any proposed decision or alternative that will negatively impact the current use of neighboring lands.

4. The WCNRD urges the BLM to provide consistency and complete transparency in the Draft RMPA/EIS. It is imperative that the impacts of each alternative is fully understood and disclosed. There are many places in the document where one or more alternative impacts are not disclosed in the discussion. One example of this is found in Section 4.21.6 in the contribution of alternatives narrative on pages 550-551. There is a paragraph for each alternative 1, 2, and 3 with alternatives 4 and 5 combined in one paragraph. Alternative 6 is not mentioned. This happens frequently and it is not always alternative 6 information that is missing from the narrative.

5. The WCNRD opposes the reduction of any livestock animal unit months (AUMs) on BLM as a result of management changes from the RMPA/EIS. AUM reductions would have a negative impact on our local economies and have the potential to be detrimental to our community custom and culture.

6. The WCNRD is strongly opposed to Alternative 3. This alternative is very restrictive and for all practical purposes does away with all multiple uses except for wildlife. All habitat management areas would be managed as Priority Habitat Management Areas (PHMA). All PHMA would be unavailable for livestock grazing, PHMA would be closed to new fluid mineral leasing, saleable minerals/mineral materials permits and nonenergy leasable minerals leasing (development associated with existing permits and leases would not be precluded), PHMA would be recommended for withdrawal from location and entry under the Mining Law of 1872, and. PHMA would also be right-of-way (ROW) exclusion areas. Additionally, we understand this alternative would designate 11,139,472 acres of ACECs specific to the management of GRSG; the ACECs would include portions of PHMA and would have the same allowable uses (or restrictions) as the rest of PHMA.

   Alternative 3 would have decimating impacts to state and local economies, jobs, and the custom and culture of our rural communities. Far-reaching impacts to private lands, especially in areas of significant intermixed land ownerships. This alternative would cause harm to private landowners and nearly every person in Wyoming would have direct or indirect impacts as a result.

7. The WCNRD does not support Alternative 4. We do not support the provision that all PHMA would have No Surface Occupancy (NSO) stipulations applied for new oil and gas leases.

8. Alternative 5, the Preferred Alternative, is also preferred by the WCNRD with changes addressed and identified in these comments. It works to balance public land uses with GRSG conservation, uses updated state GRSG management area boundaries, incorporates additional flexibilities, and provides for compensatory mitigation.

   We have on-going individual concerns with this alternative i.e., consistently representing restrictions, representing livestock grazing as a management tool for beneficial outcomes to the habitat, economic impacts to local communities, and the use of GRSG population trends as management triggers to make management changes. Management changes should always be done with localized changes made to decisions that implement the RMPs addressed at the local level and not be done via a RMP-level changes.

   Once again, the WCNRD reminds the BLM that the Wyoming Game and Fish Department is the primary agency responsible for managing all wildlife species in Wyoming not listed as threatened or endangered per the Endangered Species Act. The BLM should focus on habitat management for GRSG and only consult with and defer to the Wyoming Game and Fish Department for wildlife management. The use of population trends as management triggers is not appropriate and this approach for making management changes should be removed from the RMPA/EIS before it is finalized.

9. WCNRD does not support Alternative 6. We do not support the addition of any ACEC in this RMPA/EIS. There are very few details regarding what restrictions would be placed on the ACECs. Vague statements such as on page 43 state "ACEC boundaries would be the same as described for Alternative 3, but management would be less restrictive compared to Alternative 3, though generally more restrictive than the rest of Alternative 6 PHMA." do not provide the appropriate level of detail for analysis. The level of detail for each ACEC as required under 43 CFR § 1610.7-2(b) is not presented nor fully analyzed in the Draft RMPA/EIS. More detailed information is needed in the final RMPA/EIS.

COMMENTS Area of Critical Environmental Concern (ACECs) Designation

10. The WCNRD is opposed to the federal designation of any Wyoming ACECs in the RMPA. The Wyoming Core Area Strategy provides a sustainable strategy for balancing multiple use opportunities in Wyoming while providing the foundation for GRSG conservation.

11. The environmental consequences listed for GRSG from Alternative 3 in Section 4.2.4 does not adequately describe impacts from total removal of grazing from ACECs. Increased risk of fire, increased arthropod food source for chicks, and other potential beneficial results from grazing as listed in comments 10 and 11 need to be in the section's narrative. Sage grouse habitat evolved under historic grazing pressures and removing all grazing will have far reaching and unintended consequences.

12. The WCNRD believes that ACEC designations are not necessary in Wyoming to manage habitat for the conservation of GRSG. We believe the Wyoming Core Area Strategy, avoidance, minimization and compensatory mitigation, and sagebrush vegetation treatment protocols developed and implemented in addition to numerous other decisions with restrictions on management of public lands has worked to minimize impacts to GRSG habitat. Further "protections" are unnecessary and would have detrimental impacts to the economy of our communities.

Conclusion

Thank you for the opportunity to comment on this Draft RMPA/EIS and associated ACECs. We appreciate the opportunity to work together to ensure continued habitat for the greater sage grouse in Wyoming and across the west. In addition to these comments, the WCNRD asks the BLM consider comments submitted with other like-minded Wyoming entities including other Wyoming conservation districts and counties, the State of Wyoming, the Wyoming Department of Agriculture, and the Wyoming County Commissioners Association. Amendments to the ten Wyoming Bureau of Land Management Resource Management Plans will have significant impacts on our citizens, conservation districts, communities, and natural resources.

Sincerely,

Caleb Carter
District Manager, Weston County Natural Resource District

CC: United States Senator John Barrasso

United States Senator Cynthia Lummis

United States Representative Harriet Hageman

Senator Ogden Driskell

Senator Cheri Steinmetz

Representative Allen Slagle

Representative Chip Neiman

Weston County Commissioners

Board of Supervisors

David Tysdal Tucker Hamilton Emily Hartinger Gene Norman Tom Streeter

WESTERN ENERGY ALLIANCE

Submitted via www.regulations.gov

May 14, 2024

Patricia Deibert
National Sage-Grouse Conservation Coordinator
Bureau of Land Management
Utah State Office
ATTN: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84101

Re: Areas of Critical Environmental Concern (ACEC) in the Draft Resource Management Plan Amendment and Environmental Impact Statement (DRMPA/EIS) for Greater Sage-Grouse Rangewide Planning

Dear Ms. Deibert:

Western Energy Alliance (Alliance) appreciates that BLM's Preferred Alternative, Alternative 5, does not include ACECs. We are concerned that two other alternatives, Alternatives 3 and 6, include excessive ACEC acreage and strongly urge BLM not to include ACECs in the final plan and Record of Decision. Through the range of alternatives being considered, BLM already includes numerous existing, extensive protections for Greater Sage-Grouse (GrSG), such as no surface occupancy (NSO) restrictions, timing limitations, and disturbance caps, rendering inclusion of ACECs unwarranted. The Alliance urges BLM to ensure the final alternative selected does not include ACECs.

Western Energy Alliance is the leader and champion for independent oil and natural gas companies in the West. Working with a vibrant membership base for over 50 years, the Alliance stands as a credible leader, advocate, and champion of industry. Our expert staff, active committees, and committed board members form a collaborative and welcoming community of professionals dedicated to abundant, affordable energy and a high quality of life for all. Most independent producers are small businesses, with an average of fourteen employees.

Although still developing our full comments to the plan, the Alliance finds the Preferred Alternative, Alternative 5, appears to strike a more balanced, sensible approach to protecting GrSG while enabling responsible oil and natural gas development compared to other alternatives. The Alliance appreciates that BLM has correctly decided to exclude ACECs from Alternative 5. The restrictions already in place and as enumerated extensively in Alternative 5 provide strong protections for the species. Conversely, under alternatives 3 and 6, BLM would designate 11,139,472 acres as ACECs. Yet lands designated as Priority Habitat Management Areas (PHMA) and General Habitat Management Areas (GHMA) would already be encumbered with extensive restrictions on development in Alternatives 3 and 6, rendering ACEC designations redundant.

Legal Framework for ACEC Designations

Section 201 of the Federal Land Policy and Management Act (FLPMA) requires the Secretary of Interior to "prepare and maintain on a continuing basis an inventory of all public lands and their resource values and other values, giving priority to areas of critical environmental concern." 43 U.S.C. § 1711(a). This Section states that ACECs do not change the allowed uses of public lands. *See* 43 U.S.C. § 1711(a) ("The preparation and maintenance of such inventory or the identification of such areas shall not, of itself, change or prevent change of the management or use of public lands.")

FLMPA defines an ACEC as an area "within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish or wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards." 43 U.S.C. § 1702(a).[1]

FLPMA's implementing regulations require that an ACEC designation meet both the relevance and importance criteria. 43 C.F.R. § 1610.7-2(a).[2] To be designated as an ACEC, lands must be relevant in that they contain important wildlife resources. 43 C.F.R. § 1610.7-2(d)(1). They must be important in that the wildlife resource "has qualities of special worth, consequence, meaning, distinctiveness, or cause for concern; national or more than local importance, subsistence value, or regional contribution of a resource, value, system, or process; or contributes to ecosystem resilience, landscape intactness, or habitat connectivity." 43 C.F.R. § 1610.7-2(d)(2). Further, the lands must require special management attention. 43 C.F.R. § 1610.7-2(d)(3).

Particularly relevant for purposes of BLM's ACEC review here, BLM's revised regulations, effective June 10, 2024, explain that BLM should determine whether to designate an ACEC based on, among other things, the "relationship to other types of designations and protective management available." 43 C.F.R. § 1610.7-2(j)(1)(iv). Similarly, ACEC designation may be removed where "another legally enforceable mechanism provides an equal or greater level of protection . . . ." 43 C.F.R. § 1610.7-2(k)(1).

As part of BLM's determination for whether or not to include ACECs in the final RMP, it should take into account that western states and local governments with significant GrSG populations have worked for years on conservation programs to protect the species. The states have engaged broad groups of stakeholders and devoted significant resources to protecting the sage grouse. Given these efforts, BLM should defer to the greatest possible extent to state management plans. Each state with GrSG habitat presents unique on-the-ground circumstances that require different management prescriptions. In

[1] The Alliance is referencing BLM regulations as provided in the Conservation and Landscape Health Final Rule, effective June 10, 2024, 89 Fed. Reg. 40308 (May 9, 2024).
[2] It should be noted that the version of the regulation effective as of the date of this comment letter also applies relevance and importance criteria to ACEC designation at 43 C.F.R. § 1610.7-2(a).

addition, BLM has been managing GrSG habitat across the West according to 2015 plans that include significant protective and restorative mechanisms that will continue in any final sage grouse plan.

Such mechanisms include variations in protection between PHMA and GHMA, adjusting based on the species as well as the applicable habitat. In PHMA, which already receives the highest level of protection for GrSG and its habitat, BLM applies NSO restrictions, timing limitations, density and disturbance caps, and additional provisions. ACEC designation on top of PHMA designation is not required under FLPMA or its implementing regulations to protect GrSG. In fact, under alternatives proposed to include ACEC designation, the rationale for including such lands is based on high-density sage grouse populations. Yet these same lands are already protected by PHMA and have shown that the populations are both maintaining or growing with some level of existing disturbance and fragmentation, and are already protected from unreasonable levels of disturbance due to the protections in current management.

BLM's final plan should enable sound decision-making based on the best available science; conserve high-quality habitat where it makes the greatest ecological difference, while balancing economic activity and recognizing valid existing rights; foster transparency, accountability, and credibility; and provide adaptability to improve the efficiency and effectiveness of BLM management. ACEC designation is not required, nor is it supported, to achieve these goals.

Indeed, ACEC designation is not required to meet the needs of the GrSG. Designating ACECs on top of the restrictions already in place or newly-specified for PHMA and GHMA will add unnecessary, duplicative and often conflicting restrictions on the uses of those lands. BLM already developed the PHMA/GHMA structure in order to provide the appropriate level of restrictions in the areas that will most benefit the species. ACEC designation is not required nor recommended, and would upset the balance that was achieved by BLM's existing structure, provide little or no additional benefit to GrSG, and merely act to further limit productive uses of those lands. BLM should not designate ACECs in its final plan.

BLM has failed to prove how additional management prescriptions in the form of ACEC designation are needed, and has failed to explain how oil and natural gas development would impair GrSG conservation. BLM has not shown in the DRMP/EIS how the ACECs contemplated in Alternatives 3 and 6 meet the relevance and importance criteria necessary under FLPMA.

Sincerely,

Kathleen M. Sgamma
President

Nevada State Grazing Board N-2 District
c/o Don Jones, Secretary
P.O. Box 806
Winnemucca, Nevada 89446

May 14, 2024

Bureau of Land Management
BLM Utah State Office
Attn: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84101

Via Email: BLM_HQ_GRSG_Planning

RE: N-2 State Grazing Board Comments Regarding the Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning, Specifically Areas of Critical Environmental Concern (DOI-BLM-WO-2300-2022-0001-RMP-EIS)

BLM Greater Sage-Grouse Plan Amendment Team,

The N-2 State Grazing Board (Board) is a political sub-division of the State of Nevada organized under Nevada Revised Statute 568 Grazing and Range. This Board is comprised of ranchers who operate on public land grazing allotments within the Winnemucca BLM District. These ranchers and grazing allotments stand to be affected by the Draft Resource Management Plan Amendment (Draft RMPA or Draft EIS) effort and the BLM's potential designation of new Areas of Critical Environmental Concern (ACECs) being considered in the Draft RMPA. This comment letter is directed specifically at the ACEC component of the proposal. The Board reserves the right to alter, supplement and include additional comments throughout the comment period identified in the Federal Register Notice, since the ACEC proposal and Draft RMPA are completely interrelated.

The Board had representatives at the April 16, 2024 Public Meeting in Reno, NV as well as the BLM's virtual presentation to the Nevada Sagebrush Ecosystem Council on April 19, 2024. In both presentations, BLM representatives clearly stated to attendees that comments related to ACECs would be considered until the close of the 90-day Draft RMPA comment period on June 13, 2024. Yet, upon its review of the Federal Register Notice for this document, the Board identified the following language, "This notice also announces the opening of a 60-day comment period for ACECs. The BLM **must** receive your ACEC-related comments by May 14, 2024" (**emphasis added**). The Board finds it to be confusing and contradictory that BLM personnel are sharing information that does not align with what is in the Federal Register. The Board feels that there is too much integration between the ACEC designations and the RMPA to divide the comment period.

> **The Board asks that the BLM provide a 60-day extension for ACEC comments and a 30-day extension for Draft RMPA comments (120-days for each). At the very least, the BLM must address the ACEC and Draft RMPA comment periods through a new Federal Register Notice to eliminate any confusion and ambiguity.**

The Board has reviewed both the e-Planning website and Appendix 5: Evaluation of Areas of Critical Environmental Concern for Greater Sage-grouse. These comments are specific to those sections of the document, considering the short timeframe associated with ACEC-specific comments. The following comments are arranged by various topical areas listed below in **bold.**

Complexity of the Draft RMPA and Interplay with ACEC Recommendations: The BLM's regional approach to assess Sage-grouse in all western states in the same document is an extreme error. The document is unclear and confounding, which has resulted in a poor public process. It is extremely difficult to follow not only the incorporation of ACECs, but the explanation for why ACECs are included in certain alternatives and **how** they have been incorporated in said alternatives.

> **The Board requests that a Supplemental Draft EIS specific to Nevada with a clearer set of Alternatives be developed by the BLM. The Board would further suggest NOT carrying forward alternatives that contain any ACEC designation. However, if the BLM decides to move forward with ACEC designations, the agency must articulate how ACECs align with other proposed Sage-grouse management goals and actions.**

Alternatives (3 and 6) Containing Proposed ACEC Designations and Lack of Justification for ACECs: The Board adamantly opposes the proposed ACECs in Nevada. Accurate mapping that clearly enumerates the allocation decisions made based on said mapping needs to be the focus for BLM. Coordination with grazing permittees who are operating in Sage-grouse habitat (efforts which should include updating and implementing Allotment Management Plans to improve both grazing operations and Sage-grouse benefits) should also be a focus by the agency. If the BLM could accomplish these efforts, the Board sees absolutely no need for ACECs.

The proposed ACECs do not seem to have any tangible biological difference from areas of non-ACEC. They do not address the major threats to Sage-grouse in the State of Nevada (specifically invasive species such as cheatgrass and wildfire). Furthermore, designating ACECs would likely have a negative socio-economic impact on grazing permittees and local communities. The BLM's analysis of these impacts is incomplete and insufficient in this document.

> **The Board asks that the BLM develop a Supplemental Draft EIS and transfer both Alternative 3 and Alternative 6 into the category of "Alternatives Considered, but not carried forward for further analysis". Further, a more robust analysis of potential socio-economic impacts is needed.**

Inconsistency with State and Local Plans: The State of Nevada's Greater Sage-grouse Conservation Plan contains nothing that suggests ACECs or other "special" areas beyond Sage-grouse habitat within designated Population Management Areas would be beneficial to Sage-grouse populations. The Humboldt County Master Plan and Policy Plan for Public Lands emphasizes the County's approval and support for multiple use of public lands. Any designation of ACECs for Sage-grouse is **NOT** consistent with any of the above-mentioned State or local plans.

The Board asks that the BLM develop a Supplemental Draft EIS and transfer both Alternative 3 and Alternative 6 into the category of "Alternatives Considered, but not carried forward for further analysis".

Incomplete Mapping and Lack of Clear ACEC Mapping: The mapping presented in the Draft EIS represents a major NEPA inadequacy. The State of Nevada retains management authority over Sage-grouse. The only map that has been approved by the State appears to be in Alternative 1 as relates to Habitat Management Areas (the State does not formally support Sagebrush Focal Areas). Maps contained in Alternatives 2 - 5 are based on incomplete USGS Modeling. This approach by the BLM is both misleading and inaccurate. It also appears to this Board that the BLM did not have peer reviewed and/or final "best available science" when the proposed ACEC boundaries were drawn.

Publishing this incomplete modeling, coupled with developing ACEC boundaries based on these incomplete updates, is a terrible precedent, misleads the public, and will result in management decisions that are not consistent or effective. None of the maps presented in the Draft EIS show existing grazing allotments in relation to the proposed ACEC boundaries. It is impossible for this Board and its members to make informed comments without adequate mapping.

The Board requests that the BLM delay the release of a Supplemental Draft EIS and Land Use Plan Amendment until the USGS map product is complete and adopted by the State of Nevada. If further analysis is done on ACECs, then the Supplemental Draft EIS absolutely must include maps with ACECs in relation to existing grazing allotments.

Unclear and Inconsistent Evaluation of Critical Areas of Environmental Concern for Sage-Grouse Habitat: The Board has the following concerns after reviewing Appendix 5:

- While the proposed ACECs contain landscapes with everything ranging from priority to non-habitat, the BLM does NOT show if these areas contain enough seasonal habitat to actually improve conservation of local populations. The BLM has NOT adequately demonstrated that these areas are any more "relevant" or critical to Sage-grouse conservation than any other areas of mapped habitat.
- The BLM's analysis does not present a clear nor compelling case that ACECs are any more important than other mapped PHMA in Nevada. In actuality, several of the ACECs contain existing authorized uses (i.e. Congressionally designated utility corridors) or infrastructure (i.e. US Highways) that make any conservation efforts significantly more difficult, therefore resulting in significant negative impacts on both State and local socio-economics.
- It is concerning to the Board that this ACEC evaluation was heavily, if not wholly, reliant on desktop analysis with reviews of modeling products, some of which were not even complete. This process has been fatally flawed from the start and does not seem to contain ground truthing or any consideration of real-time habitat conditions. Furthermore, there is no coordination with potentially affected existing authorized users, particularly grazing permittees.

For the above-listed reasons, the Board does NOT support designation of the Montana Mountains, Owyhee West or Warm Springs ACECs.

The Board will continue its review of the Draft LUPA / EIS but wants to clearly reiterate to the BLM that it is extremely concerned with the process and product as relates to proposed ACECs. The Board appreciates the BLM's consideration of the above comments.

Sincerely,

Hank Dufurrena

Hank Dufurrena, Chairman
N-2 State Grazing Board

CC: Nevada Congressional Delegation
Governor Joe Lombardo
Jon Raby, BLM Nevada State Director
Humboldt County

We thank the Bureau of Land Management (BLM) for developing the draft Resource Management Plan Amendments (RMPA) and Environmental Impact Statement (EIS) for Greater Sage-Grouse Rangewide Planning. We also thank the BLM for seeking public input on these important conservation documents.

We understand that many National and Western Regional conservation NGOs are providing commentary. As a local NGO with a long-term special interest in the conservation of the Greater Sage-grouse (sage-grouse), the East Cascades Audubon Society (aka East Cascades Bird Alliance) hereby submits for your use our own comments focusing on what we consider to be the missing link in sage-grouse conservation in Oregon and elsewhere, namely the large-scale restoration of native forbs and associated arthropods as essential food throughout a comprehensive network of Areas of Critical Ecological Concern (ACECs).

Simply stated, all sage-grouse conservation efforts to date have led to unfit brood hens and the starvation of sage-grouse chicks. Without more hens that lay more eggs, and greater chick survival, the sage-grouse is doomed.

Background

The importance of forbs and associated arthropods to sage-grouse is well documented. Brood success is greater when forbs and arthropods comprise the majority of chick diets (Drut et al. 1994; Delong et al. 1995; Coggins 1998; Casazza 2001; Hausleitner 2003; Connelly et al. 2004; Gregg 2006; Thompson et al. 2006; Woodward 2006; Yost et al. 2008; Gregg and Crawford 2009; Dumroese et al. 2015; Dumroese 2016). In their first week of life, sage-grouse chicks primarily eat forbs and arthropods (Innes 2016; Call and Maser 1985; Klebenow and Gray 1968, Peterson 1969, Pyle 1993, Drut et al. 1994). In a study of captive chicks during their first ten days, chicks deprived of arthropods died, whereas chicks given arthropods survived (Johnson and Boyce 1991).

The importance of forbs and associated arthropods to sage-grouse changes with life stage. Forbs are particularly important to brood hens because of their high concentrations of protein and other nutrients, which helps prepare hens for egg production (Barnett and Crawford 1994; Gregg et al. 2006; Blomberg et al. 2013; Innes 2016). Up to age three weeks, chicks mostly consume arthropods. Then their diet shifts to mostly forbs (Innes 2016). Forbs comprise the majority of the summer diet of both juvenile and adult sage-grouse (Trueblood 1954; Klebenow and Gray 1968; Wallestad et al. 1975; Barnett and Crawford 1994; Peterson 1969; Connelly et al. 2000; Woodward 2006; Gregg et al. 2009). Although sage-grouse are a sagebrush obligate species, the nutrient contribution of forbs overshadows that of sagebrush (Barnett and Crawford 1994; Rosentreter 2005; Freese 2009).

Given the dietary importance of forbs to sage-grouse brood hens and chicks, it's not surprising that habitat use during breeding and rearing corresponds to relatively high forb abundance. Females select nest sites with relatively abundant forb and grass cover compared to their surroundings (Klebenow and Gray 1968; Drut et al. 1994; Dobkin 1995; Hagen et al. 2007; Casazza et al. 2011; Gibson et al. 2016; Smith et al. 2019).

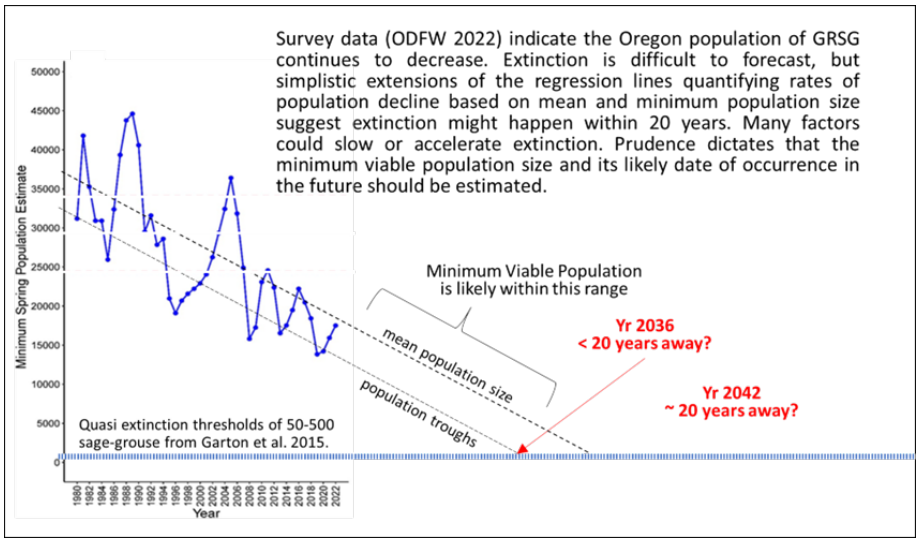
Forb abundance has declined along with sage grouse population size. A recent BLM study (Herren 2021) showed that almost 70% of the Priority Habitat Areas for grouse conservation are not meeting criteria for sage-grouse breeding habitat. The minimum goal for forb cover has been met less than 50% of the time for Idaho, Montana, Wyoming, and Nevada. The goal has been met 59-

79% of the time in Oregon. In general, the cover of forbs is likely inadequate across the sage-grouse range. Furthermore, the target minimum value for forb cover might be conservative. The natural abundance of forbs prior to European settlement is unknown.

The causes of forb depletion may vary in importance among locations and are likely interrelated. But livestock grazing is undoubtedly a major cause. The impacts of livestock grazing on sage-grouse have been abundantly studied. They can be negative or positive (e.g., Boyd et al. 2014). But, in general, the impacts are negative. It is likely that nearly eighty years of unregulated severe overgrazing, originally by sheep and later by cattle, in Oregon and beyond, probably depleted forb seedbanks (Rosentreter et al. 2004; Boyd et al. 2014); Gioria and Pysek 2016). Both cattle and sheep eat forbs, but sheep prefer forbs over grasses (Vallentine 2001, and others). The vital roll played by native forbs in the overall health of the western sage steppe ecosystem was unappreciated during the early stages of European colonization. Since then, forb depletion has been discounted by modern range science, such that grazing has retarded and even prevented forb recovery.

Forb depletion is evidently less severe east of the Rockies. The reason is unclear. A generally accepted hypothesis is that coevolution with Bison enabled forbs east of the Rockies to develop defenses against herbivory by large herds of grazers (Mack and Thompson 1982).

Without significant and immediate changes in sage steppe management, the Oregon sage-grouse is unlikely to be saved. The great majority of sage steppe conservation efforts focus on wildfire control and reversing invasions of the sage steppe by native and non-native vegetation, principally cheatgrass and western juniper. The benefits to livestock production are obvious, but the effects on sage-grouse are more complicated (e.g., Coates et al. 2016) and equivocal overall. Adult sage-grouse may occupy areas where invasive vegetation has been controlled (Poessel et al. 2022), but clear benefits to brood hens and chicks, and to local sage-grouse populations, has not been demonstrated. A recent synthesis of relevant research indicates that cattle are a major cause of cheatgrass abundance and distribution (Molvar et al. 2024). Almost none of these sage steppe conservation efforts involve forb restoration. Natural recruitment of forbs, where their seedbanks have been depleted, can require more time than the sage-grouse has left, at least in Oregon. Population trends for Oregon may intercept extinction thresholds within the next thirty years (see figure to the left), while natural forb recovery, even in the absence of additional perturbation, likely takes longer (e.g., Watts and Wambolt 1996).


Survey data (ODFW 2022) indicate the Oregon population of GRSG continues to decrease. Extinction is difficult to forecast, but simplistic extensions of the regression lines quantifying rates of population decline based on mean and minimum population size suggest extinction might happen within 20 years. Many factors could slow or accelerate extinction. Prudence dictates that the minimum viable population size and its likely date of occurrence in the future should be estimated.
Minimum Spring Population Estimate
Year
Minimum Viable Population is likely within this range
mean population size
population troughs
Yr 2036
< 20 years away?
Yr 2042
~ 20 years away?
Quasi extinction thresholds of 50-500 sage-grouse from Garton et al. 2015.

Given that listing seems unlikely, the updated BLM Sage-grouse Management Plan may be the best opportunity to save the sage-grouse. But the Plan must boldly call for a major shift in focus away from trying to meet the competing needs of livestock and sage-grouse, at the same time and in the same locations, and instead dedicate some lands to sage-grouse production, in the absence of livestock, at least during the breeding and rearing phases of the annual sage-grouse lifecycle. The ACECs are broadly recognized as a land use mechanism with high potential to conserve the sage-grouse on BLM lands. Listing of the sage-grouse under the Endangered Species Act (ESA) would help assure the success of the ACECs, but even without ESA listing, ACECs are probably necessary to save the sage-grouse from extinction.

Recommendations

We applaud the BLM proposal for 11 million acres of new ASCEs to conserve the best remaining sage-grouse habitat across the West. But we are dismayed that the proposal discounts and ignores the need for ACECs in Oregon. This must be corrected as the RMPA and EIS are finalized. Our reasons for this request include, but are not limited to, the following.

1. Oregon contains some of the highest quality, intact ,and resilient sagebrush habitat in the west, as Greater Sage-Grouse Sagebrush Focal Areas (SFAs) established by US Fish and Wildlife Service (USFWS), and as State-designated Priority Areas of Concerns (PACs). These areas have been identified based on the state of the science of sage-grouse ecology, and with the input from BLM and other Federal agencies. SFAs and PACs are intended to protect core areas of sage-grouse habitat into perpetuity. Inclusion of these areas in a BLM ACEC network has been a primary goal of the sage grouse conservation community of Oregon since the network was first conceived.

2. The importance of populations at the margins of their species' distributions to the species' adaptation to external evolutionary forces is a basic tenet of conservation science (e.g., Abeli et al. 2018). Recent models and experiments reveal the influence of changing environmental gradients on marginal and neighboring populations through the interplay of demography, gene flow, mutation, and other genetic processes on the rate of adaptation to changed environments (Davis et al. 2005). The Oregon and Washington populations of sage-grouse are on the northern and western front lines of genetic adaptations to climate change and therefore may be critical for species survival, especially west of the Rockies. The Washington populations are isolated, very small, and truly verging on extinction. They may have less to offer in terms of adaptation than Oregon populations. But declines in these populations are due less to their locations than to historical management practices and density-independent stresses, including wildfire. The small size of these populations does not necessarily negate their potential genetic value to the species as a whole. Giving up on their recovery seems administratively convenient and ethically untenable. All the populations of sage-grouse in Oregon may represent greater genetic value to species at this time, since they are not isolated, are still moderate in size, and occupy large areas of potentially very productive habitat. The proposed ACEC network must include and expand on Oregon's SFAs and PACs.

3. The USFWS decision not to list the sage-grouse in 2015 only happened because the eleven states within the sage-grouse range, including Oregon, provided assurances to the USFWS that they could conserve the species through their own coordinated conservation plans. The Oregon Department of Fish and Wildlife (ODFW) could only make that promise because the BLM and US Forest Service (USFS) assured ODFW they would provide the necessary

habitat. Planning for extirpation of the sage-grouse from Oregon is not what BLM, ODFW, or USFWS agreed to at the time of the ESA listing decision. Omitting Oregon from all the benefits of the proposed ACEC network breaks the promise BLM and USFWS made to the people of Oregon.

For recovery of the sage-grouse, fully incorporating its Oregon habitat into the ACEC network is not the only change necessary to fix the BLM Sage-grouse Management Plan. We are very concerned that the Plan also ignores the high value of forbs within the ACECs. A reasonable inference based on the science outlined above is that a major factor contributing to sage-grouse population declines has been decreased annual recruitment due to poor breeding and rearing habitat, which in turn is principally due to historical livestock overgrazing and modern range management policies, programs, and projects that favor livestock production over sage-grouse recovery.

Overall, the final BLM Sage-grouse Management Plan needs to have a stronger emphasis on biodiversity conservation. Unless the Plan is improved in this way, the sage steppe conservation community risks wasting what may be the last real opportunity to save the iconic sage grouse, and its sage steppe biome. We risk demonstrating to the American public that our conservation science, technology, and public policies are inadequate to save the largest, most intact ecosystem in the coterminous United States.

In addition to the full inclusion of the Oregon SFAs and PACs in the ACEC network, we strongly encourage the BLM to make the following basic changes to its Sage-grouse Management Plan.

1. Accelerate restoration of sage-grouse breeding and rearing habitats by creating large-scale supply chains of essential native forb and grass seeds and juvenile plants, focusing on species most beneficial to sage-grouse brood hens and their chicks. The supply chains should utilize the existing private, public, NGO and Tribal sage steppe plant cultivators.
2. Dedicate some portions of selected ACECs in each state to the restoration of highly productive sage-grouse breeding and rearing habitat. These areas should be strategically located to affect the fastest and largest possible increases in sage-grouse population size. The areas can be enlarged and replicated as the supply chain of plants expands.
3. Exclude livestock grazing from the areas dedicated to breeding and rearing habitat restoration, at least during the annual sage-grouse breeding and rearing seasons. The new BLM Conservation and Landscape Health Rule may be a useful implementation tool, by linking mitigation for unavoidable losses of sage-grouse habitat to habitat restoration, with a net gain in habitat quantity and quality.
4. The progress and ultimate success of major efforts to increase sage-grouse breeding and rearing habitats should be assessed based on sage-grouse population responses.
5. Utilize leading academic, governmental, and NGO sage-steppe scientists as a politically independent, standing panel of experts to help guide Plan implementation and assure its scientific veracity.

We hope these comments are useful for the completion of the Greater Sage-Grouse Rangewide Management Plan.

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June 13, 2024

Bureau of Land Management
BLM Utah State Office
Attn: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84101

Via Email: BLM_HQ_GRSG_Planning

RE: Nevada Cattlemen Association Comments to the BLM Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning, (DOI-BLM-WO-2300-2022-0001-RMP-EIS)

BLM Greater Sage-Grouse Plan Amendment Team,

The Nevada Cattlemen's Association (Association) is a non-profit trade association that was established in 1935 to provide a way for Nevada's cattle industry to present a united front on issues that impact ranchers across the state. This Association represents multiple ranchers who operate on public land grazing allotments across Nevada, most of whom stand to be significantly affected by the Draft Resource Management Plan Amendment (Draft RMPA or Draft EIS) effort currently being undertaken by the BLM. The following comments are provided to the BLM for consideration regarding the concerns of the Association about the proposed alternative and the DEIS in general. The Association would also like to iterate its support for all comments submitted by both the Nevada Department of Agriculture and counties in the State of Nevada.

Concerns with the Rangewide Approach Taken by BLM: It is extremely concerning to the Association that the BLM has decided to conduct a rangewide approach as the method of analysis for all 11 states in the West with Sage-grouse habitat and populations. Each of these states included in the BLM's analysis has its own unique, complex management needs in addition to social and economic factors that can not be fully detailed in one approach. It is impossible to provide an adequate amount of detail when each state vastly differs from one another. It is apparent that the BLM did not seriously consider any input from the State of Nevada, which is in direct conflict with FLPMA (43 U.S.C. § 1712(c)(9)).

> **The Association strongly suggests that the BLM compile a Nevada-specific, supplemental Draft EIS which fully details each of the Alternatives and their implications for Nevada. This supplemental draft should be fully aligned with the appropriate State and local plans.**

Concerns Regarding BLM Capacity: The proposed increase in monitoring activities outlined in the DEIS concerns the Association, considering the lack of capacity and limited staff in multiple, if not all, BLM field offices in Nevada. Historically, this lack of capacity has been a problem that is constantly cited by the BLM as the reason for management activities to be halted, delayed, or incomplete. There is no discussion in this DEIS regarding how the BLM plans to mitigate this proposed overload on employees who are already overcommitted. This is a concern to the Association since livestock grazing has historically been considered the easy target for management alterations when BLM's capacity is limited, which is not acceptable to this Association.

Overall Concerns with the DEIS Mapping: The NEPA process regarding the "mapping alternatives" provided in the DEIS does not seem correct, considering that the State of Nevada maintains management authority over Sage-grouse and it is apparent to this Association that only one map has been approved by the State (aside from Sagebrush Focal Areas contained in Alternative 1.) It is also apparent that Alternative Maps 2 through 5 were created based on incomplete modeling provided by USGS, which is extremely concerning. The use of mapping or modeling products that have not been completed can only lead to confusion and inadequacies when the BLM tries to determine the appropriate management activities within Sage-grouse habitat. While the Association recognizes that there is some explanation in the draft to this effect with the following statement in Appendix 3 (Page 3-12): "The unpublished results that BLM used for this Draft EIS includes more than six years of additional field data collected since the last published version (Coates et al., 2016) and advances in methodology to produce the HMA model (Milligan et al. 2024 (in review)). It represents an estimate of how HMA model results may change as the model continues to be refined. It is anticipated that the final published model, associated maps, and documentation will be available during the spring of 2024; the BLM intends to incorporate the final published version into the Final EIS." This approach is extremely concerning since it is nearly identical to the 2015 mapping efforts and further sidesteps the State of Nevada's approval process.

The Association strongly encourages the BLM to release a second Draft EIS for public comment, before the Final EIS is released and once the modeling provided by USGS is both approved and finalized by the State of Nevada. These final mapping products **must** be included pre-decision, otherwise comments to the EIS cannot possibly be substantive and fully informed. Any post-decision mapping that is released will most likely lead to inappropriate management of PHMAs and GHMAs rangewide. This sets a terrible precedent for the BLM that cannot be considered an appropriate way to make future management decisions or planning efforts. Furthermore, the BLM has not provided a comprehensive explanation for how the public can assist with revisions of these mapping products once they are released in the FEIS.

It should also be clearly stated in the DEIS that the State of Nevada maps are based on modelling, and, as such, any final allocation decisions can be altered if field verification demonstrates an altered

habitat category for the site. The Association acknowledges the following statement included in Appendix 3 that attempts to explain this caveat: "Not all areas within HMAs will include characteristics associated with GRSG habitat. For example, areas of connectivity between seasonal habitats or areas recovering from fire might not support vegetation used by GRSG but these areas will be included in HMAs. Mapping errors are also anticipated to occur with HMA maps and the BLM provides mechanisms to correct those errors when encountered within this current planning process (2024 DEIS)." (Appendix 3, Page 3-12). However, this is **not** an appropriate explanation for how the BLM is planning to address and/or identify these "mapping errors" with the vague "mechanisms" listed. HMAs are very likely to significantly impact livestock operators and this random, unclear approach provides no assurance to public land livestock operators that they can trust the BLM to appropriately manage and plan for these new habitat areas.

Need for Better Integration of Appropriate State Regulations and Plans: The BLM implies throughout the DEIS that the State of Nevada's regulatory mechanism is solely the Conservation Credit System (CCS), and further indicates that it is a "voluntary" system. However, it is essential to note that the Nevada Revised Statute (NRS 232.162) established the Sagebrush Ecosystem Council, while Nevada Administrative Code (NAC 232) requires that any anthropogenic disturbances causing direct or indirect impacts to Sage-grouse or Sage-grouse habitat on public lands **must** be mitigated. Additionally, the 2019 Nevada Greater Sage-grouse Conservation Plan specifically states in Policy 3.1.2 that it is the State of Nevada's policy for any and all management actions to "avoid, minimize and mitigate" any impacts to Sage-grouse habitat. Per the BLM's own policies (namely 43 CFR Part 24), it is **mandatory** that the agency coordinate with the State of Nevada regarding all wildlife management. Coordination regarding Sage-grouse habitat and mitigation have been a concentrated effort for both the BLM and project proponents though the CCS. Any efforts to reduce or avoid negative impacts to Sage-grouse habitat are not captured in the CCS, since it only applies to mitigation measures. The BLM must closely coordinate with the State of Nevada in order to minimize impacts to the greatest extent possible in regard to Sage-grouse before any authorizations or decisions are made. The BLM must also recognize that grazing structures and agricultural use are determined to be de minimus impacts in the State of Nevada, something that is not currently reflected in the DEIS. Per FLPMA's requirements (43 U.S.C. § 1712(c)(9)) for state and local plans and policies, the BLM is required to coordinate with State and local agencies on the preferred alternative so that it is consistent with the appropriate State and local plans to the greatest extent possible, providing it is required and allowable under federal law and executive order.

Proposed Areas of Critical Environmental Concern: The Association does **not** support the proposed ACECs. A letter specifically detailing these ACEC-related concerns was submitted via a letter on May 14, 2024 over ePlanning (Please see Attachment 2). The Association maintains its stance that it does not support the designation of any ACECs in the State of Nevada.

Concerns Regarding the Habitat Assessment Framework (HAF): The Habitat Assessment Framework (HAF) detailed in Appendix 8 is confusing and alarming to this Association, since Land Health Standards are the established criterion for public land management. Any HAF **cannot replace LHS**. The indicators detailed within the HAF give little to no flexibility for land managers to assess an area based on its specific challenges and realistic opportunities, which is extremely concerning to this Association. Using these steadfast sideboards to dictate the appropriate height, percentage, distance, etc. for livestock grazing dangerously restricts these landscapes and their appropriate management. Heavier emphasis must be placed on Ecological Site Descriptions being the appropriate tool to determine the applicable habitat indicators on a site-specific scale, which should further be used as a supplementary guide in close coordination between local and state agencies and partners. The Association also strongly requests that the BLM compile a more straightforward guide that clearly outlines how the HAF will influence management decisions within HMAs; although Table 8-2 (Relationships of LUP, HAF, LHS, and MF relative to the GRSG Habitat Objectives) gives some context to this extent, this is a complex part of the DEIS and it is unclear to this Association how these tables are predicted to be utilized.

The Association concurs with the BLM's statement that "it is inappropriate to use a single indicator from any of the included Tables 8-1.A-G or the HAF habitat suitability form to determine overall habitat suitability of a plot unless sagebrush is absent or limiting" (Appendix 8, Section 8.2, Page 8-1). However, the Association does not agree with the rest of this portion, which states that a single indicator may be used if "sagebrush is absent or limiting" (Appendix 8, Section 8.2, Page 8-1). Using a single indicator assessment is not acceptable to this Association, whether sage brush is present or not due to the vastly different conditions occurring in habitat utilized by Sage-grouse, which is also used by livestock permittees per the BLM's own multiple use mandate. The BLM itself states earlier in Section 8.1 on this same page, "Habitat suitability occurs along a **gradient** ranging from unsuitable to suitable and is rarely uniform within and across the scales." (Emphasis added.) This range in suitable habitat and high variability regarding Sage-grouse preferences clearly illustrates that it is an extreme fallacy for a single indicator to be used **in any circumstance** to determine habitat suitability.

Any application, revision, and use of the Habitat Indicators Table must also capitalize on any real life, on-the-ground experiences by livestock permittees. These experiences should be valued as a pivotal supplement to the BLM's use of the Table, and any revisions or applications of the best available science should consider this input because livestock operators have a thorough and highly valuable local knowledge of these landscapes. Livestock operators are typically on these landscapes more than any other partners, which only further illustrates the importance of their unique perceptions concerning management decisions. Additionally, all of these indicators outlined in the Table need to align with the 2019 Nevada Greater Sage-grouse Conservation Plan. This Plan, as previously described, **requires** coordination between the State and BLM regarding wildlife management. The parameters described in Table 8.2.4, the Nevada/California GRSG Habitat

Indicators Table(s), i.e. Table 8-1.D. Nevada/California GRSG Habitat Indicators Table do not provide an appropriate level of flexibility in these areas where objectives cannot be met due to any ecological factors which are entirely separate from management practices.

Concerns Regarding Both 2.5.10 Livestock Grazing and Appendix 15, Livestock Grazing Management BMPs and Design Features and Supplemental Information: A larger emphasis should be placed on the establishment of Allotment Management Plans (AMPs) in both Section 2.5.10 and Appendix 15. AMPs provide the most effective, site-specific way to manage livestock grazing in a way that benefits Sage-grouse habitat, and further provide the best method for permittees and field managers to collaborate on management objectives. Unless an AMP is established, management decisions and projects lack a sense of direction or purpose for both agency staff and operators.

It is **not acceptable** to this Association that any voluntary grazing relinquishments could result in the BLM evaluating "whether to offer the permit for re-authorization to other grazing applicants or if the public lands where that permitted use was authorized shall be used for other resource management objectives." Furthermore, the reallocation of any permit for other "resource management objectives" is unacceptable to this Association. If a grazing permit is relinquished to the BLM, it should always be offered to other razing permittees before any consideration, or changes are made to authorized use.

The Association strongly maintains that it is unacceptable for the BLM to evaluate the "conversion of the allotment to a reserve common allotment that will remain available for use on a temporary, nonrenewable basis for the benefit of GRSG habitat." Proper grazing utilization on these allotments results in decreased fire risk due to the reduction of decadent forage that would accumulate if grazing was not continued. Additionally, invasive annual species have a smaller opportunity to establish with grazing management combatting their spread. Wildfire and invasive species risk can only increase if these surrendered allotments become unavailable for grazing.

Any areas where the proposed action determines that water resources, meadows, and/or riparian areas indicate the need to place supplements farther away, should also include alternative water sources be developed or identified so that any negative impacts on livestock are mitigated. If the BLM determines, in coordination with the impacted permittee, that a rest from livestock grazing after vegetation treatments is appropriate, this rest period should only be enacted for two or three growing seasons to help reduce any negative effects, such as wildfire risks from decadent vegetation or the spread of invasive annual species, such as cheatgrass. Both threats are identified as risks to Sage-grouse and Sage-grouse habitat by the State of Nevada.

These vegetation treatments should be monitored via Habitat Mapping, in addition to the Sage-grouse habitat use-pattern mapping. These mapping products should further be updated **annually** and not just "when available" (Appendix 15, Page 15-2). An annual analysis is critical to making

fully informed management decisions, especially in Nevada where conditions can vary significantly between years. This entire DEIS is comprised of mapping that is unfinished or severely lacking in appropriate data due to its draft status, and the lack of direction regarding the habitat use-pattern mapping clearly illustrates this point. It is also concerning to this Association due to the significant number of proposed management alterations and activities that are predicted to rely on these habitat locations and their usage.

Permittees should be considered required partners for all management decisions on grazing allotments, including, for example, supplement locations and/or alternative placement, any use of water resources and their potential relocations according to this DEIS, any restoration activities, and any other activities on grazing allotments. Coordination and collaboration with livestock operators should be a focus for the BLM, especially since permittees offer a unique perspective of these sites and their potential management opportunities which should be considered a planning asset. It is concerning to the Association that the BLM has provided scant opportunities for input from permittees when making management decisions, particularly considering the local, site-specific knowledge held by livestock operators on their allotment. It should further be noted that this knowledge typically includes sage grouse presence and usage, something the BLM typically does not have access to or records of. Furthermore, public land operators are the partners most likely to be impacted by the proposed alternative. As such, permittees **must** be involved in determining any sites identified for management activities that are related to restoration projects, which **must** include the removal or replacement of fencing and the use or closure of roads, as disclosed on Page 15-3 of Appendix 15.

It is further concerning to this Association that any effective management changes concerning Wild Horses and Burros (WH&B) were not suggested by the BLM in this DEIS. The Association would like the BLM to explain why there is a discussion surrounding any temporary projects to eliminate livestock grazing in areas the BLM designates, yet there is no mention of applying this same action to areas impacted by WH&B. It is an unavoidable fact that areas which are critical to Sage-grouse and their habitat (particularly riparian areas, which the BLM has recognized repeatedly as being pivotal for Sage-grouse) have been obliterated by overpopulation and overgrazing of WH&B. There is no mention of building fences within WH&B HMAs or Sage-grouse HMAs to specifically mitigate WH&B use, something that this Association feels could be an extremely useful undertaking. The BLM has not adequately addressed the WH&B travesty happening on Nevada's public lands, and it is **not acceptable** to this Association that an entire appendix in this DEIS is dedicated to livestock grazing management and when there is not an appendix specifically dedicated to WH&B management, which arguably has the greater impact to Sage-grouse and Sage-grouse habitat.

The Association also questions why Section 15.1.6 (Nevada Specific BMPs on Page 15-4) is included in the DEIS as the only state-specific BMP. There is no explanation provided regarding

why Nevada has specific BMPs, especially since they do not seem to be stood up in coordination with the 2019 Nevada Greater Sage-grouse Conservation Plan. The Association is concerned that these practices are solely supposed to be implemented in Nevada, and further questions how the BLM determined that these BMPs are critical to Sage-grouse management in Nevada. It is additionally confusing considering the entire document utilized a range-wide approach. There is no clear explanation for why Nevada needs to have a specific BMP section restricting livestock operators, especially considering that none of the other states have specific BMPs. Furthermore, there is no inclusion of WH&B management regarding these same BMPs, which is not acceptable to this Association.

The table included in Appendix 15 contains multiple amendments and revisions to the 2019 plan that concern the Association. It is unacceptable for potential modifications to include "making allotment unavailable to grazing" without a thorough explanation and process by the BLM explaining how this dramatic action would be taken. Additionally, "considering no grazing from May 15-Sept. 15 in riparian areas and wet meadows" sets an unclear parameter that relies too heavily on personal biases within BLM personnel. This "consideration" could too easily be used as a tool against permittees to restrict grazing unnecessarily. Any parameters regarding percent utilization should be determined through coordination between the BLM and permittee in consideration of site-specific conditions, time of use, etc. rather than any species dominant habitat triggers. For example, it is an inaccurate broad statement to say that all Wyoming Basin big sage habitat has an allowable percent utilization of 35% when some older Wyoming Basin big stage stands and their decadent state leads to the greatest wildfire risk and **should be** utilized more than 35% to help manage these increased risks of wildfire. These percentages do not mitigate any of the major threats to Sage-grouse that are identified in the 2019 Nevada Greater Sage-grouse Conservation Plan. These percentages only present a method to restrict the BLM and any possibility of flexible management. The use of any planned grazing systems should focus on site specific needs that address any concerns pertaining to deferment periods, season of use, turn in and turnout options, percent utilization and other habitat needs.

Inadequacies Regarding the Analysis of Socioeconomic Impacts from Livestock Grazing: The Association strongly feels that the BLM did not complete an appropriate analysis in Section 18.3.5: Livestock Grazing of Appendix 18: Social and Economic Impact Analysis Methodology (Page 18-8) regarding the economic or social implications of the preferred alternative as it pertains to livestock grazing and the impacted communities. The reduction of AUMs is **not** the only quantifying impact associated with social and economic analyses, particularly considering the prevailing culture and longstanding history of public land livestock grazing in Nevada. It is undeniable that these rural communities will feel the ramifications of this DEIS if/when management is altered. The BLM's incomplete analysis clearly demonstrates the agency's lack of understanding regarding the importance of livestock grazing in these areas. Any alterations to livestock grazing on public lands in an attempt to benefit Sage-grouse would impact thousands of rural communities relying on livestock for their main income and way of life.

The quantitative analysis conducted by the BLM as described in this draft does not truly capture the impacts to rural communities from the proposed action. Among the list of items not thoroughly analyzed are costs from range improvement maintenance or installation incurred by permittees, the likely economic loss of restricting turnout and turn in dates, the loss or relocation of water developments or resources, and many of the proposed reductions in percent utilization. Each of these factors will have both social consequences and economic losses for landowners and permittees, and as such must be thoroughly evaluated. Furthermore, the BLM must also qualitatively evaluate how these alterations to public lands livestock grazing would affect the culture of landowners and permittees, in addition to the surrounding communities. It is apparent through this Association's review of the DEIS that the BLM does not consider livestock grazing to be an important factor in the culture of these rural communities, something that is unacceptable to this Association.

Closing Remarks: The Association clearly iterates to the BLM that it is extremely concerned with the Draft RMPA and its content. Regarding the above listed concerns, the Association again would like to emphasize that the Preferred Alternative must align with the State of Nevada plan, and further requests that the BLM consider use of the 2019 RMP "No-Action Alternative" i.e. Alternative 2 for the Adaptive Management section of the DEIS, considering that it "represents a continuation of management under the BLM RMPs amended in 2019." The Association strongly feels that the 2019 plan is best aligned with state and local agency needs for adaptive management, and further provides the public with comprehensive guidelines for public lands grazing management.

Please also consider the attached document specific comments from the Association, as well as the ACEC-Specific comment letter submitted vie ePlanning and email on May 14th of 2024. The Association appreciates the BLM's consideration of the above comments.

Sincerely,

Hanes Holman, President
Nevada Cattlemen's Association

CC: Governor Joe Lombardo
Nevada Congressional Delegation
Jon Raby, BLM Nevada State Director

Att: 2024-06-12 Att 1_BLM RE DRAFT RMPA EIS - NCA-24-162.1.pdf
NCA ACEC Comment Letter 05.14.24.pdf

Wyoming Association of Conservation Districts
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June 13, 2024

Tracy Stone-Manning, Director
Bureau of Land Management
1849 C St. NW
Washington, DC 20240

Submitted Via: eplanning.blm.gov

RE: Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning

Dear Director Stone-Manning:

On behalf of the Wyoming Association of Conservation Districts (Association), representing Wyoming's 34 local conservation districts (Districts), please accept the Association's comments on the notice of availability of the Draft Resource Management Plan Amendment (RMPA) and Environmental Impact Statement (EIS) for Greater Sage-Grouse (GRSG) Rangewide Planning (Draft RMPA/EIS). We understand the Bureau of Land Management (BLM) is asking for public comments on the Draft RMPA/EIS and on the BLM's consideration of potential areas of critical environmental concern (ACECs).

We understand that the RMPA would change seventy-seven (77) BLM land use plans, collectively referred to as resource management plans (RMPs), across ten (10) Western States, including all ten BLM RMPs in Wyoming.

INTEREST JUSTIFICATION

Following the devastation of the Dust Bowl in the 1930s, President Franklin Delano Roosevelt recommended the Standard State Soil Conservation Districts Act be signed into law by all state governors. This act gave states a step-by-step guide to create conservation districts and listed their powers and responsibilities. By July 1, 1945, all 48 states had passed district-enabling acts. Conservation districts across the nation have continued developing long-term goals focused on locally-led, voluntary conservation and providing leadership in communities.

The Wyoming State Legislature passed an enabling act in March of 1941 to establish conservation districts in Wyoming. The law clearly states that conservation districts are legal governmental subdivisions of the state of Wyoming.[1] As directed by the enabling act, conservation districts are to direct programs protecting local renewable natural resources. Conservation districts are authorized[2] to implement soil, water, and natural resource conservation projects and programs, including but not limited to, promoting the wise use of Wyoming's natural resources, preserving and enhancing wildlife habitat, protecting the tax base, and promoting the health, safety, and general

[1] Wyo. Stat. §§ 11-- 16-102(a)(v), 11-16-113(c)
[2] Wyo. Stat. §§ 11-16-101 *et. seq.*

welfare of the citizens of this state through a responsible conservation ethic. Wyoming Law provides authority for the development of conservation district land use or resource plans. Separately, Wyoming conservation districts also have authority to develop long term strategic plans and watershed plans.[3] The districts work with diverse stakeholders to implement conservation projects that enhance their local areas flora and fauna to improve the general welfare of the citizens. As such, they have intricate knowledge and expertise of local priorities, conditions, and management decision implications.

Wyoming's conservation districts provide local leadership for the long-term conservation and enhancement of natural resources. They focus on natural resource issues and solutions specific to the communities they represent while contributing to the economic stability of the communities and residents. Local conservation districts assist land managers, cities, towns and counties and communities to meet their land management goals and objectives. Local conservation districts work diligently with partners (landowners, local, state and federal agencies) to maintain and enhance vegetative resources, reduce invasive species and maintain and enhance wildlife habitat.

The Association's comments are guided by policies adopted via a formal process by the elected supervisors from the 34 local conservation districts. Association policies related to the Proposed Rule include:

Private, State and Federal Lands

- Policy #4: PROPERTY RIGHTS - WACD supports private property rights.
- Policy #11: LIVESTOCK GRAZING AS A TOOL - WACD supports livestock and proper grazing as a tool for the sound management of private, state, and federal lands.
- Policy #17: COMMUNICATION & COOPERATION - WACD supports the communication, cooperation, and coordination of all local, state and federal entities with regard to natural resource management policies and decisions.
- Policy #29: FORAGE ALLOCATION - WACD supports the use of a "stock and monitor" or adaptive management approach to adjusting numbers of grazing animals (both livestock and wildlife) permitted on public grazing allotments. WACD does not support the use of one-point-in-time inventories of forage and forage allocation approaches to estimation of permitted carrying capacity for either livestock or wildlife on public lands unless no other information is available for that purpose. In almost every situation there exists a record of stocking rates, weather data, and various kinds of monitoring information that can be used to adjust grazing management to achieve the goals of the agency and the livestock operator. Where such information is lacking or inadequate, joint cooperative monitoring should be initiated.
- Policy #30: FORAGE UTILIZATION AND RESIDUAL VEGETATION MEASUREMENT - WACD supports joint cooperative monitoring involving state and federal land managers and permittees/lessees. WACD further recognizes that measurement of utilization and residual vegetation as valuable tools for managing public grazing allotments, but not as management objectives or basis for compliance with terms and conditions of permits. WACD does not support the use of rigid utilization and/or residual measurement standards, alone, to determine compliance with management plans or annual operating plans, or to trigger automatic livestock moves among pastures and/or removal from an allotment.
- Policy #45: BLM/USFS SAGE GROUSE RODS - WACD strongly supports targeted changes to the affected Wyoming plans that will remove the additional burdens on livestock grazing imposed by the 2015 amendments and respect the primacy of the state in the management of sage grouse.

[3] Wyo. Stat. §§ 11-16-103(b), 11-16-122(b)(v)(xvi)(xvii)

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Wildlife

- Policy #6: REAFFIRMING STATE OWNERSHIP OF ALL NONFEDERAL TRUST SPECIES OF WILDLIFE - WACD will support Congressional Action to reaffirm that all species of wildlife are property of the states unless designated differently by a specific act of Congress.

COMMENTS Draft Environmental Impact Statement

1. Appropriate scale for planning and analysis. Using a large project area for analysis skews the analysis and subsequent effects shown in the analysis to the point where the decision made from the analysis contains flaws and may result in an inappropriate outcome. Should be a Wyoming developed plan, not just a Wyoming decision from a rangewide plan.

2. The Association asserts that the Wyoming Governor's Executive Order 2019-3 on Greater Sage-Grouse (GRSG) Core Area Protection (Wyoming Core Area Strategy) should be the standard for all GRSG management in Wyoming when considering decisions to conserve GRSG and their habitats. We support the development of a RMPA for Wyoming that is developed through coordination with the state's applicable agencies, cooperating agencies, and public input to strengthen and coordinate BLM plan alignment with the Wyoming Core Area Strategy and conservation plan.

   The Association implores the BLM to incorporate the de minimis activities from the Wyoming Core Area Strategy, Appendix G into the preferred alternative and ultimately the Wyoming Record of Decision.

3. The Association is strongly opposed to any alternative, decision, or management action in the Draft RMPA/EIS that diminishes BLM's multiple-use and sustainable yield mandate. It is very important for the final RMPA/EIS to allow flexibility at the local level to address the ever-changing local habitat conditions. Ultimately, the Record of Decisions (RODs) will be done on a state-by-state basis with Wyoming interests and concerns taken into consideration for what "fits" and is consistent with the Wyoming Core Area Strategy and allow for flexibility.

4. The Association applauds the BLM for acknowledging that predators may have negative impacts on GRSG and appreciates the addition of Table 2-11 Comparison Alternatives, Minimizing Threats from Predation. We affirm that the Wyoming Game and Fish Department is the primary agency responsible for managing all wildlife species in Wyoming not listed as threatened or endangered per the Endangered Species Act. As a result, we are appreciative of the Draft RMAP/EIS focusing on the habitat and collaborating with appropriate state agencies, other landowners, federal predator management agencies, and tribal governments in their efforts to minimize impacts from predators on GRSG where needed. We support applying minimization measures and best management practices to new authorizations and activities in Priority Habitat Management Areas and General Habitat Management Areas to minimize threats from predators shown to pose a threat to GRSG, consistent with applicable law.

5. Since the Wyoming Game and Fish Department (WGFD) is the primary agency responsible for managing all wildlife species in Wyoming not listed as threatened or endangered per the Endangered Species Act, accurate framing of what is being considered needs to be consistently stated throughout the document. The WGFD manages the GRSG, and the BLM manages the habitat on BLM-managed lands. In every instance throughout the document, it should be stated as impacts to **GRSG habitat,** not impacts to **GRSG**. ALL instances of the inaccurate outcome statement need corrected. Statements made related to the habitat outcomes of the management actions as "provide conservation to GRSG" are also acceptable. One of many instances of inaccurate framing comes from page ES-6. The statement "The greatest protection for **GRSG habitat** is under Alternative 3…" accurately frames the intended outcome of this planning effort. In contrast, in the paragraph immediately following the correctly stated example it states "…would refine management for **GRSG** and associated habitats and improve cross-boundary coordination of shared populations compared with

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Alternatives 1 and 2, thus potentially improving **management of GRSG** across its range." Again, **ALL** instances of the inaccurate outcome statement need corrected.

6. We have vast amounts of mixed land ownership areas in Wyoming that increase the potential for impacts to neighboring private lands. The BLM RMPA has the potential to negatively impact the current use of neighboring lands. The Association supports private property rights and will not support any proposed decision or alternative that will negatively impact the current use of neighboring lands.

7. The terms "neighborhood cluster" and "neighborhood cluster scale" were not used in the 2015 or 2019 BLM GRSG planning efforts. The new terms create confusion as they are described differently in relation to HAF fine scale depending on who is talking or what narrative section is being read. These are relatively new terms and need clear definitions added to the Glossary Terms. The Association also suggests that a map be included to visualize the comparison of scale between neighborhood cluster scale, HAF mid scale, and HAF fine scale for an area in Wyoming.

8. The Association supports the management approach that compensatory mitigation should be durable, ensuring it will be resilient and persist as GRSG habitat (barring any natural disaster), and should be completed prior to associated actions occurring. We strongly agree that compensatory mitigation should also be prioritized to occur within the same HAF fine scale area of the impact so that it provides habitat for GRSG populations affected by the project. We do not support broadening the compensatory mitigation area to the neighborhood cluster scale or nearest equivalent Habitat Management Area (HMA) designated habitat or HAF mid-scale area where practicable. The durable, HAF fine scale approach should be consistent in all alternatives that provide for compensatory mitigation and should not be changed to a broader scale approach.

9. The Association urges the BLM to provide consistency and complete transparency in the Draft RMPA/EIS. It is imperative that the impacts of each alternative are fully disclosed. There are many places in the document where one or more alternative impacts are not disclosed in the discussion. One example of this is found in Section 4.21.6 in the contribution of alternatives narrative on pages 550-551. There is a paragraph for each alternative 1, 2, and 3 with alternatives 4 and 5 combined in one paragraph. Alternative 6 is not mentioned. This happens frequently and it is not always alternative 6 information that is missing from the narrative.

10. The Coates et al. 2016 paper titled "*Landscape characteristics and livestock presence influence common ravens: relevance to greater sage-grouse conservation.*" states, "***Grazing by livestock in sagebrush ecosystems is common practice on most public lands, but associations between livestock and ravens are poorly understood.***" This is the only study, conducted in a limited area, that surveyed and then modeled correlation between livestock presence and raven presence. Other factors associated with agriculture operations and factors not associated with livestock and/or agriculture operations were not isolated and may also have positive influences on GRSG. This one study in a limited area is not enough evidence to justifiably state on page 243, "*Anthropogenic factors that contribute to greater raven occurrence include livestock presence…*" More studies across the GRSG range need to be conducted before making a definitive statement about greater raven occurrence simply from livestock presence.

    We strongly recommend changing the narrative in Section 3.2.2 on page 243 to read "Anthropogenic factors that contribute to greater raven occurrence include increased road density, presence of transmission lines, fragmented habitats, any anthropogenic feature that provides a tall perching area, and presence of roadside rest areas (O'Neil et al. 2018; Coates et al. 2016).

    We strongly recommend also changing the narrative on migratory birds in Section 3.5.4 on page 253, second paragraph, third sentence from "*Raven densities are higher in areas associated with livestock production (Coates et al. 2016) and will readily use…*" to "One study suggests that raven densities may be higher in

areas associated with livestock production, but associations between livestock and ravens are poorly understood and more research is needed (Coates et al. 2016). Ravens will readily use…"

11. Proper livestock grazing and ranching operations are shown to have beneficial impacts on GRSG conservation, both scientifically and antidotally. The Association supports livestock and proper grazing as a tool for the sound management of private, state, and federal lands. Some examples of beneficial impacts that need to be included and/or expanded in Chapter 4, Environmental Consequences include: grazing of fine fuels reduces the risk of wildfires, sustainable ranches that are not subdivided and developed maintain unfragmented habitats, livestock grazing promotes increased arthropod availability for food, and how water developed for livestock can be beneficial through proper design. The following paragraph is one example of an additional narrative representing a beneficial impact and should be included with other narratives developed for the final EIS.

    The Association recommends adding this narrative to Section 4.2.1 Nature and Types of Effects, Livestock Grazing Management narrative regarding the effects of livestock grazing on the insect population, major "food" source for greater sage-grouse chicks. "*Periodic deferment or rest are commonly prescribed to achieve desired conservation outcomes on rangelands and our findings suggest several arthropod taxa comprising important food resources for shrubland and grassland birds may benefit from this practice. In this grazing-adapted ecosystem, however, long-term absence of grazing or other disturbance dramatically altered the structure of the vegetative and arthropod communities, ultimately resulting in reduced availability of the arthropod taxa most important to shrubland and grassland avifauna. (Goosey et al. 2019)*" We strongly recommend the use and reference to this research paper, Attachment A in this section and other sections throughout the document.

12. A Wyoming Big Horn Basin Sage Grouse Predation Project (SGPP) began in 2011 and continued until only one radio marked bird remained in 2020. The project was brought to fruition through action by seven northwest Wyoming Conservation Districts and investigated aspects of predation affecting sage-grouse in the Big Horn Basin. The Meeteetse Conservation District facilitated the SGPP through field investigations and research that was under the joint auspices of the USDA-Wildlife Services field personnel in the Bighorn Basin and its National Wildlife Research Center in Logan, Utah. Broad support and funding from wide array of stakeholder groups including predator management districts, individual ranches, oil and gas industry, grazing interests, and the Wyoming Game & Fish Department.

    The Association recommends adding Attachment B, the research paper "Assessing and Reducing Common Raven Impacts on Greater Sage-grouse Nesting Ecology" prepared by HWA Wildlife Consulting, to Chapter 6-Literature Cited. Additional results and information from the study are included in Attachment C. Information in Attachments B and C should be included throughout the document but specifically in Section 4.2.1 Nature and Types of Effects, Predator Management narrative.

13. The Association opposes the reduction of any livestock animal unit months (AUMs) on BLM as a result of management changes from the RMPA/EIS. AUM reductions would have a negative impact on our local economies and have the potential to be detrimental to our community custom and culture.

14. The Association does not support Alternative 1. This alternative does not align with current Wyoming management for GRSG conservation and the Wyoming Core Area Strategy. Therefore, we cannot support the designation of Sagebrush Focal Areas (SFA) with a recommendation to withdraw them from mineral location and entry under the Mining Law of 1872 and prioritization for various other activities related to vegetation treatments, livestock grazing, and wild horses and burros.

15. The Association is moderately supportive of Alternative 2, the No Action Alternative. The Association and many of our local member conservation districts worked diligently on this planning effort. We prefer the

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approach of the state planning effort to the rangewide planning effort RMPA/EIS with individual state decisions. and what is currently in the Wyoming RMPs. With a few updates based on new studies and including information on minimizing threats from predation, Alternative 2 could be a workable option.

16. The Association is strongly opposed to Alternative 3. This alternative is very restrictive and for all practical purposes does away with all multiple uses except for wildlife. All habitat management areas would be managed as Priority Habitat Management Areas (PHMA). All PHMA would be unavailable for livestock grazing, PHMA would be closed to new fluid mineral leasing, saleable minerals/mineral materials permits and nonenergy leasable minerals leasing (development associated with existing permits and leases would not be precluded), PHMA would be recommended for withdrawal from location and entry under the Mining Law of 1872, and. PHMA would also be right-of-way (ROW) exclusion areas. Additionally, we understand this alternative would designate 11,139,472 acres of ACECs specific to the management of GRSG; the ACECs would include portions of PHMA and would have the same allowable uses (or restrictions) as the rest of PHMA.

    Alternative 3 would have decimating impacts to state and local economies, jobs, and the custom and culture of our rural communities. Far-reaching impacts to private lands, especially in areas of significant intermixed land ownerships. This alternative would cause harm to private landowners and nearly every person in Wyoming would have direct or indirect impacts as a result.

17. The Association does not support Alternative 4. We do not support the provision that all PHMA would have No Surface Occupancy (NSO) stipulations applied for new oil and gas leases.

18. Alternative 5, the Preferred Alternative, is also preferred by the Association with changes addressed and identified in these comments. It works to balance public land uses with GRSG conservation, uses updated state GRSG management area boundaries, incorporates additional flexibilities, and provides for compensatory mitigation.

    We have on-going individual concerns with this alternative i.e., consistently representing restrictions, representing livestock grazing as a management tool for beneficial outcomes to the habitat, economic impacts to local communities, and the use of GRSG population trends as management triggers to make management changes. Management changes should always be done with localized changes made to decisions that implement the RMPs addressed at the local level and not be done via a RMP-level changes.

    Once again, the Association reminds the BLM that the Wyoming Game and Fish Department is the primary agency responsible for managing all wildlife species in Wyoming not listed as threatened or endangered per the Endangered Species Act. The BLM should focus on habitat management for GRSG and only consult with and defer to the Wyoming Game and Fish Department for wildlife management. The use of population trends as management triggers is not appropriate and this approach for making management changes should be removed from the RMPA/EIS before it is finalized.

19. The Association does not support Alternative 6. We do not support the addition of any ACEC in this RMPA/EIS. There are very few details regarding what restrictions would be placed on the ACECs. Vague statements such as on page 43 state “ACEC boundaries would be the same as described for Alternative 3, but management would be less restrictive compared to Alternative 3, though generally more restrictive than the rest of Alternative 6 PHMA.” do not provide the appropriate level of detail for analysis. The level of detail for each ACEC as required under 43 CFR § 1610.7-2(b) is not presented nor fully analyzed in the Draft RMPA/EIS. More detailed information is needed in the final RMPA/EIS.

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20. In Section 4.3.1, Nature and Type of Effects, Livestock Grazing Management, there are two instances where "cool season" grass is referred to as "cold season" grass. This needs to be changed for accuracy in accordance with range profession standard terminology.

COMMENTS Area of Critical Environmental Concern (ACECs) Designation

21. The Association is opposed to the federal designation of any Wyoming ACECs in the RMPA. The Wyoming Core Area Strategy provides a sustainable strategy for balancing multiple use opportunities in Wyoming while providing the foundation for GRSG conservation.

22. The environmental consequences listed for GRSG from Alternative 3 in Section 4.2.4 does not adequately describe impacts from total removal of grazing from ACECs. Increased risk of fire, increased arthropod food source for chicks, and other potential beneficial results from grazing as listed in comments 10 and 11 need to be in the section's narrative.

23. The Association believes that ACEC designations are not necessary in Wyoming to manage habitat for the conservation of GRSG. We believe the Wyoming Core Area Strategy, avoidance, minimization and compensatory mitigation, and sagebrush vegetation treatment protocols developed and implemented in addition to numerous other decisions with restrictions on management of public lands has worked to minimize impacts to GRSG habitat. Further "protections" are unnecessary and would have detrimental impacts to the economy of our communities.

CONCLUSION

Thank you for the opportunity to comment on this Draft RMPA/EIS and associated ACECs. In addition to these comments, the Association asks the BLM consider comments submitted with other like-minded Wyoming entities the Association has directly worked with on this Draft RMPA/EIS and associated ACECs including individual Wyoming conservation districts and counties, the State of Wyoming, the Wyoming Department of Agriculture, and the Wyoming County Commissioners Association. Amendments to the ten Wyoming Bureau of Land Management Resource Management Plans will have significant impacts on our citizens, conservation districts, communities, and natural resources.

If we can be of further assistance, please feel free to contact us at (307) 632-5716.

Sincerely,

Todd Heward
President

CC: Wyoming's Congressional Delegation
Governor Mark Gordon
National Association of Conservation Districts
Petroleum Association of Wyoming
Wyoming County Commissioners Association
Wyoming Department of Agriculture
Wyoming Farm Bureau Federation
Wyoming Stock Growers Association
Wyoming Wool Growers Association
Public Lands Council

Enc: Attachment A
Attachment B
Attachment C

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MONTANA FARM BUREAU FEDERATION

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Pat Diebert
BLM National Sage-Grouse Conservation Coordinator
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440 West 220 South #500
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Comments submitted electronically

June 12, 2024

RE: Notice of Availability of the Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning. BLM_HQ_FRN_MO4500174493 and DOI-BLM-WO2300-2022-0001-RMP-EIS

To Whom it May Concern:

Thank you for your consideration of the Montana Farm Bureau Federation's ("MFBF") comments regarding management of the Greater Sage Grouse and Sagebrush Habitat on Bureau of Land Management (BLM) lands within the state of Montana and across the West. The Montana Farm Bureau Federation is the state's largest general agriculture organization, representing nearly 20,000 member families. Our farmer and rancher members operate their family businesses on a mix of private and public lands, including BLM lands. This issue, therefore, is critical to their individual livelihoods, as well as the entire economy of rural Montana.

Our organization values grazing remaining a part of BLM land management. MFBF opposes the removal or decrease of grazing on BLM lands. We do appreciate the Plans recognition that BLM grazing is important to ranches and rural communities that depend on these leases to feed our economies because this is absolutely true.

In Section 4-6 Environmental Consequences (Livestock Grazing), a list of management changes is shared. It is stated, "Management requirements could increase short-term and long-term costs to permittees and lessees and decrease AUMs." Changes in rest and rotation pattern, timing and duration of grazing use, and class of livestock can result in the need to adjust AUMs. However, by looking at the science of livestock grazing, these adjustments should not be limited to decreasing AUMs. Looking ahead, there is a very real possibility that increased grazing management, like what is suggested in the previous stated section, could increase grass productivity and availability.

MONTANA FARM BUREAU FEDERATION

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Studies have shown that livestock grazing does not harm habitat and are even neutral on the types of grazing systems. A study published in 2017 showed that livestock grazing has little impact on the bird's nest success, and rotational grazing, meant to improve habitat for the grouse, offers little benefit.[1] Additionally, a study published in December of 2023 in the Journal of Environmental Management found that grazing is helpful to insects that GRSG depend on as a critical food source during essential life phases like rearing young [2]. Furthermore, authors of An Evidence Based Assessment of Prescribed Grazing Practices recognize that there is little research on the effect of grazing density on bird species [5]. They sight "Most studies of grazing effects on upland game birds addressed ungrazed versus grazed conditions rather than grazing intensity gradients"[5]. This shows the clear lack of science on some of the important grazing factors that are being considered. Following sound science could very well lead to increasing AUMs whereas limiting the options to only decreasing AUMs could be harmful to lessees, rural communities and overall, Sage Grouse and range health.

Montana ranchers are true stewards of the land and many of them have been conservatively managing this resource for generations. Montana is a great example of success in managing a healthy ecosystem including sage grouse and domestic herbivores. Montana's Sage Grouse population is unique in that approximately two-thirds of the sage grouse habitat is on non-federal lands; according to a 2015 report from the BLM and USFS to the Montana Environmental Quality Council [3].

The State of Montana saw fit to enact our own "all lands, all hands" approach to managing the bird and this plan has been very successful. The Montana Sage Grouse Habitat Conservation Program ("Program") was created by the Montana Legislature's passage of the Greater Sage Grouse Stewardship Act in 2015, along with several Executive Orders in 2015. The Montana Sage Grouse Oversight Team, which was established to manage the Program, implement Executive Order 12-2015 and the Greater Sage Grouse Stewardship Act partnership with landowners, state and federal agencies, and many private diverse stakeholders. The Program has been maintained and strengthened by both Governor Bullock and Governor Gianforte's Administrations, as well as subsequent Legislatures. Even before the legislation in 2015, our state took an interest in conserving the Sage Grouse species. In 2005, a working group of federal, state, tribal and private stakeholders produced the *Management Plan and Conservation Strategies for Sage Grouse in Montana*.

In its first year alone, the Program invested in projects that permanently protected 45,961 acres of prime sage grouse habitat on private land and restored an additional 1,223 acres of prime sage grouse habitat [4]. Montana's program is recognized by the U.S. Fish and Wildlife Service as the premier example of a successful Sage Grouse management program. Any changes made to the BLM's management of Sage Grouse habitat must not interfere with the Program already established in Montana. In addition to the simple increase in bird numbers, our population of

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Greater Sage Grouse is so healthy that we have even been able to share birds with Canada to help increase their populations and genetic diversity of the species[6]. The citizens, landowners, Legislature, and state government of Montana, along with other states in the West, are doing the right thing and effectively managing to improve Sage Grouse populations. **For these reasons, we recommend Alternative 2**.

Furthermore, MFBF requests that the Department of Interior ("DOI") and BLM acknowledge the Montana Sage Grouse Habitat Conservation Program in any and all of their future management decisions. MFBF encourages BLM's adherence to Montana's existing Program and recognition of the other existing federal programs that have proven success at improving sagebrush habitat. One example of such a program is the Natural Resources Conservation Service's ("NRCS") conifer encroachment program. Ranchers in Montana utilize the NRCS program to remove trees and shrubs that would otherwise spread into sagebrush habitat, improving habitat for the greater Sage Grouse species. The BLM should also account for habitat damage caused by severe grasshopper infestations and work to limit these severe impacts. Grasshoppers can be devastating to balanced ecosystems, we have seen that just in the last few years with alarming amounts of grasshoppers taking over the landscapes in large swaths of the state.

In summary, MFBF requests the BLM select Alternative 2. Given Montana's Sage Grouse Habitat Conservation Program success and existing integration with BLM Land Use Plans since 2015, this is the most prudent and correct course of action; both for species management and habitat preservation.

Respectfully Submitted,

Cynthia Johnson

Montana Farm Bureau President

1 Effects of rotational grazing management on nesting greater sage-grouse. https://doi.org/10.1002/jwmg.21344

2 Shifts in sage-grouse arthropod food sources across grazing and environmental gradients in upland meadow communities. https://doi.org/10.1016/j.jenvman.2023.119261

3 EQC Report. https://leg.mt.gov/content/Committees/Interim/2015-2016/EQC/Meetings/June-2015/sage-grouse-facts-figures.pdf

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[4] MT Department of Natural Resources 2016 Achievements Report. https://sagegrouse.mt.gov/documents/Program_Resources_Montana_Sage_Grouse_Conservation_Program_2016_Achievements.pdf

[5] Briske, D. D., Derner, J. D., Milchunas, D. G., & Tate, K. W. (2011). An evidence-based assessment of prescribed grazing practices. *Conservation benefits of rangeland practices: Assessment, recommendations, and knowledge gaps*, 21-74.

[6] Montana Fish Wildlife and Parks Commission Agenda Item Cover Sheet https://fwp.mt.gov/binaries/content/assets/fwp/commission/2024/february/wildlife/cs-sage-grouse-translocation-to-alberta-2024-2026.pdf

Nevada State Grazing Board N-2 District
c/o Don Jones, Secretary
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Please consider the following document-specific comments (Attachment 1) from the N-2 Grazing Board regarding the Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning, (DOI-BLM-WO-2300-2022-0001-RMP-EIS).

Chapter or Appendix	Section, Table, or Figure	Page Number(s)	N 2 Grazing Board Comment
General Comment	General Comment	General Comment	The Board is disappointed in the BLM's decision to provide such a limited timeframe for partners and the public to review and comment on this DEIS. The document is large and cumbersome, not to mention confusing, and a 90-day comment period is not sufficient for truly informed, substantive comments to be made. This Board strongly requests a supplementary, Nevada-specific DEIS be provided for thorough understanding of the proposed action and alternative.
Chapter 2	Table 2-4	2-13 through 2-21	This table is extremely difficult to understand considering how the Alternatives and States are randomly combined. This table also clearly demonstrates the need for each state to have it's own analysis; the rangewide approach is not appropriate.
Chapter 2	2.5.9	All	In this section, the BLM must acknowledge that Raven populations have increased substantially in Nevada and acrost the west. This increase recently led the US Fish and Wildlife Service to increase its depredation take permit in Nevada by nearly 4-fold. Information from this Environmental Assessment should be incorporated here (Depredation Permits for Common Raven Removal in Nevada, April 2024). The Coates 2022 study found that even in good habitat, raven predation can affect Sage-grouse when raven populations elevate beyond a certain density threshold. Infrastructure and reduction of existing human subsidies is not always possible, particularly within BLM's purview. Habitat improvement is not always possible (i.e. in times of drought). As such, the BLM should not interfere with State wildlife agency effort to remove ravens when and where deemed appropriate under its Depredation Permit. All alternatives need to acknowledge and support the State's role in planning and implementing predator control.
Chapter 2	2.5.10	All	It is unclear how the BLM is planning to use both Land Health Standards and the Habitat Assessment Framework for grazing management. This section and the included tables seem to waffle between only using LHS, only using HAF, using them conjointly, or being required to use both. This is extremely confusing and concerning to this Board considering the implications of these parameters on permittees. Clarity on which circumstances dictate the use of LHS and/or HAF is requested. When would LHS be

Chapter or Appendix	Section, Table, or Figure	Page Number(s)	N 2 Grazing Board Comment
			used to "adjust" grazing? When would HAF be used? Is it expected that both will be used at the same time on every allotment? This is not acceptable to the Board.
Chapter 2	2.5.10, Table 2-12, Alt. 4, Management Action RM-1	2-105	Any consideration of changes to timing, duration, rotation, frequency, number of AUMs, and/or season of use should **not** be made without thorough, sound monitoring being conducted. These changes should also **not** take place without the affected permittee and/or his/her representative being fully aware of the monitoring taking place and the decision to be made.
Chapter 2	2.5.10, Table 2-12, Alt. 4, Management Action RM-2	2-107	Any adjustments made to grazing should only be done in close coordination and communication with the affected permittee. Public land livestock operators have valuable local knowledge of their allotments that is crucial to the success of any changes in management. The Board would suggest an amendment to the language in this section to include: "Any adjustments to grazing will be made based on current ecological potential according to ESD, associated STM, **coordination and consultation with the affected permittee,** and existing ecological state."
Chapter 2	2.5.10, Table 2-12, Alt. 4, Management Action RM-4 and RM-5	2-109 through 2-110	Range improvement projects should not be removed, modified, or installed without thorough coordination and communication with the impacted permittee. If the range improvement involves water, then any modification must also comply with State Water Law.
Chapter 2	2.5.10, Table 2-12, Alt. 4, Management Action RM-6	2-111	All fences are built because they are necessary, and all fences have high costs associated with their installation and maintenance. The removal of fences should not be considered unless absolutely necessary and fully justified. This Board specifically has concerns with virtual fencing being used as a blanket solution for lack of fence maintenance.
Chapter 2	2.5.10, Table 2-12, Alt. 4, Management Action RM-7	2-112	This Board is strongly opposed to any voluntary grazing relinquishments resulting in the BLM considering "whether to offer the permit for re-authorization to other grazing applicants or if the public lands where that permitted use was authorized shall be used for other resource management objectives." The reallocation of a permit for any other "resource management objectives" is not acceptable to this Board. If a permit is relinquished, it should be offered to other permittees prior to any changes in authorized use. Furthermore, it is not acceptable for the BLM to consider the "conversion of the allotment to a reserve common allotment that will remain available for use on a temporary, nonrenewable basis for the benefit

Chapter or Appendix	Section, Table, or Figure	Page Number(s)	N 2 Grazing Board Comment
			of GRSG habitat." Without proper utilization, these allotments will result in increased fire risk due to the amount of decadent forage that would accumulate. Additionally, invasive annual species would have a greater chance to establish with not opportunity for grazing management to combat their spread.
Chapter 2	2.5.11	All	The Board appreciates and supports the BLM's intention through the preferred alternative to manage wild horse and burro populations within AML.
Chapter 2	2.5.12	All	The BLM's regional approach to assess Sage-grouse in all western states in the same document is an extreme error. This section of the document is unclear and confusing, which has resulted in a poor public process. It is extremely difficult to follow not only the incorporation of ACECs, but the explanation for why ACECs are included in certain alternatives and how they have been incorporated in said alternatives. The Board adamantly opposes the proposed ACECs in Nevada. Accurate mapping that clearly enumerates the allocation decisions made based on said mapping needs to be the focus for BLM. Coordination with grazing permittees who are operating in Sage-grouse habitat (efforts which should include updating and implementing Allotment Management Plans to improve both grazing operations and Sage-grouse benefits) should also be a focus by the agency. If the BLM could accomplish these efforts, the Board sees absolutely no need for ACECs. Similar comments were submitted to the BLM via an ACEC-specific letter from the Board on 5/14/2024.
Chapter 2	2.5.13	2-124	The Causal Factor Analysis teams should at minimum also include the affected permittee in addition to the local BLM biologist, BLM state Sage-grouse lead, and a representative from the state wildlife agency.
Appendix 15	15.1.2	15-2	Any changes to range improvements need to be thoroughly discussed with the affected permittees. Removal of range improvements without consent of the Permittee is not acceptable to this Board. If the range improvement involves water, then any modification must also comply with State Water Law.

Chapter or Appendix	Section, Table, or Figure	Page Number(s)	N 2 Grazing Board Comment
Appendix 15	15.1.2	15-2	It is concerning that the BLM suggests resting areas with vegetation treatments for an undetermined amount of time. The Board would suggest revising to include language determining that 2 to 3 years is a long enough rest period after vegetation treatments to reduce the risk of wildfire and spread of invasive annual grasses, and to additionally reduce the impacts felt by permittees by these resting periods.
Appendix 15	15.1.2	15-2	Permittees should be involved throughout the entire process of any management or movement requirements following "recent burns, habitat rehabilitation, or other restoration sites."
Appendix 15	15.1.3	15-3	Revise language to say: "Locate troughs outside meadows, swales, and riparian areas **when possible**."
Appendix 15	15.1.4	15-3	Any pre-season assessments should be done in coordination with the affected permittee.
Appendix 15	15.1.6	15-4 through 15-5	More detail is needed on why Nevada is the only state with specific BMPs. Additionally, do these Nevada BMPs apply to wild horse and burro management?
Appendix 15	15.2	All	This table is extremely difficult to understand due to the constant bouncing between states, objectives and goals. This table further illustrates the need for a state-specific supplemental draft EIS. Additionally, all of the proposed changes and management action possibilities should be done in coordination with the affected permittee.
Appendix 15	15.2	15-14 (MD LG 4)	Ecological site descriptions should be used alongside land health assessments.

Chapter or Appendix	Section, Table, or Figure	Page Number(s)	N 2 Grazing Board Comment
Appendix 15	15.2	15-18 (MD LG 8)	The Board would like to stress the importance of monitoring data and would like to strongly recommend to the BLM that this monitoring be completed annually, at minimum.
Appendix 15	15.2	15-19 (MD LG 1)	**It is not acceptable to this Board that "Making allotment unavailable to grazing" is included as a potential modification that could be imposed by the BLM if deemed "incompatible" with goals identified in GHMA and PHMA.** The Board strongly opposes making allotments unavailable to grazing. Did the BLM intend to imply that grazing will be removed in the event of vegetation treatments? Clarity is needed on this topic.
Appendix 15	15.2	15-19 and 15-20 (MD LG 5)	The Board **strongly** opposes: "Considering no grazing from May 15 – Sept. 15 in riparian areas and wet meadows." The Board stresses the importance of determining turn in and turn out dates on a site-specific, allotment by allotment basis. Defining exact dates for the entire state is a doomed approach that is not appropriate for these landscapes. BLM personnel should be able to determine the appropriate turn in and turn out dates in coordination with the affected permittee and in consideration of annual conditions, habitat goals, and parameters unique to the needs of that specific site. Finally, any drastic decisions like this made on allotments should be done in close coordination with the affected permittee and with the appropriate mitigation for the loss in forage and water resources.
Appendix 15	15.2	15-20 (MD LG 5)	The Board **strongly** opposes: "In riparian areas and wet meadows the allowable percent utilization is 35% woody species, and a minimum stubble height of 4-6 inches (10- 15 cm) for herbaceous riparian vegetation based on site… In mountain big sage habitat, the allowable percent utilization is 40 % herbaceous key species and/or 35 % shrub key species… In Wyoming Basin big sage habitat, the allowable percent utilization is 35% herbaceous key species and/or 35 % shrub key species… In black sage habitat, the allowable percent utilization is 35% herbaceous key species and/or 35 % shrub key species… To the extent that the implementation of these strategies would be in conflict with the terms and conditions of any applicable livestock grazing permit or lease, then the BLM would complete a new decision-making process before implementing the strategies."

Chapter or Appendix	Section, Table, or Figure	Page Number(s)	N 2 Grazing Board Comment
			This is concerning considering the BLM is woefully behind in its decision-making processes already and it is unclear how exactly this would be in the best interest of either the landscape or the permittee. Percent utilization should be determined by site conditions, time of use, etc. rather than by species dominant habitat parameters. For example, it is a gross misjudgment to say that all Wyoming Basin big sage habitat only has an allowable percent utilization of 35% when some Wyoming Basin big stage stands pose the greatest wildfire risk and **should be** utilized more than 35% to mitigate that risk. These percentages do nothing to mitigate the major threats to sage grouse identified in the 2019 Nevada Greater Sage-grouse Conservation Plan and only provide a way to pigeonhole the BLM and their flexible management opportunities. Planned grazing systems focused on site specific needs are best used to address any concerns related to season of use, deferment periods, utilization and other habitat needs.
Appendix 15	15.2	15-29 (MD LG 15)	How does the BLM intend to remove or modify water developments? What is the mitigation plan for the loss of these developments? It is not acceptable to the Board for the BLM to remove developments without proper coordination with the permittee and thorough compliance with State of Nevada Water Laws.
Appendix 15	15.2	15-36 (MD LG 14)	What is considered a “large enough” livestock exclosure?
Appendix 15	15.2	15-37 (MD LG 21)	This Board reiterates that it is strongly opposed to any voluntary grazing relinquishments resulting in the BLM considering “whether to offer the permit for re-authorization to other grazing applicants or if the public lands where that permitted use was authorized shall be used for other resource management objectives.” (Section 2.5.10, Table 2-12, Alt. 4, Management Action RM-7, Page 2-112). The reallocation of a permit for any other “resource management objectives” is not acceptable to this Board. If a permit is relinquished, it should be offered to other permittees prior to any changes in authorized use. Furthermore, it is not acceptable for the BLM to consider the “whether the public lands where that permitted use was authorized should remain available for livestock grazing or be used for other resource management objectives, such as reserve common allotments.” Without proper utilization, these allotments will result in increased fire risk due to the amount of decadent forage that would accumulate. Additionally, invasive annual species would have a greater chance to establish with not opportunity for grazing management to combat their spread.

Chapter or Appendix	Section, Table, or Figure	Page Number(s)	N 2 Grazing Board Comment
General Comment	General Comment	General Comment	The Board wants to clearly reiterate to the BLM that it is extremely concerned with the process and product as relates to the Draft RMPA. The Preferred Alternative must be consistent with State and local agency plans and provide the most comprehensive sideboards for public lands grazing management.

The Board appreciates the BLM's consideration of the above document-specific comments.

Sincerely,

Hank Dufurrena

Hank Dufurrena, Chairman
N-2 State Grazing Board

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June 13, 2024

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RE: 2021 Greater Sage-grouse Land Use Plan Amendments
(DOI-BLM-WO-2300-2022-0001-RMP-EIS)

The Montana Stockgrowers Association (MSGA), Montana Public Lands Councils (MPLC), and Montana Association of State Grazing Districts (MASGD) submits the following comments on the 2021 Greater Sage-grouse Land Use Plan Amendments (DOI-BLM-WO-2300-2022-0001-RMP-EIS**).** Our organizations represent ranchers that manage livestock on private, state and federal lands where approximately 33 million acres of sage-grouse habitat can be found and where ranchers will be significantly impacted by potential agency decisions based on sage-grouse management.

Sage-grouse management and conservation is of the utmost importance to our members who have proven that livestock grazing contributes positively to wildlife habitat and is especially compatible and beneficial to greater sage-grouse habitat. Ranchers are the stewards of the greater sage-grouse habitat on both the private and public land in Montana. Furthermore, our organizations have been invested in the conservation of sage-grouse since the beginning and have attended and participated in the development meetings while drafting the state management plan.

Livestock production in Montana is a driving economic factor, with cattle consistently remaining as the state's number one commodity in cash receipts (MT Department of Agriculture). As such, our organizations are concerned about increased restrictions proposed in this plan on livestock grazing. These restrictions will have significant economic ramifications for the livestock industry and consequently, rural communities around the state. The current Plan Amendments appear to over-emphasize the impact livestock grazing has on sage-grouse habitat, adjusting

grazing regulations in all alternatives, except the No Action alternative, to adapt for population changes. Montana ranchers remain committed to ensuring sage-grouse success, as they have been for decades. The relationship between livestock and sage-grouse works best when those who have extensive historical and relevant knowledge of the land, livestock, and wildlife are able to steward the land, livestock, and wildlife without overly-burdensome regulations.

Montana alone has over 5,300 grazing permit holders, encompassing 9,442,686 acres of BLM lands which provides forage for roughly 1.13 million permitted AUMs per year (BLM Allotment Information 2023), approximately half of the total head of cattle in the state of Montana. The ramifications of removal of grazing from all allotments under Alternative 3, and increased restrictions under Alternatives 1, 4, and 5, would be devastating and widespread. Montana's economy relies heavily on ranching, and other natural resource actions, on public lands. Our small communities, many that certainly would be considered Environmental Justice communities, cannot withstand the removal or decrease of AUM's. They are reliant on the income injected into the communities by ranchers, employees, and their families, BLM staff, and agricultural affiliate industries. This knowledge, in combination with the proof that cattle presence has a negligible impact on species success, draws the conclusion that livestock grazing can and should remain abundant on the land, benefiting sage-grouse, the ecosystems, and the economy.

This can be achieved by eliminating livestock grazing from the disturbance cap calculations across the board and aligning agency caps with state caps. This would provide consistency and more effective management for state populations. Our organizations appreciate the 5% disturbance cap in Montana under the Plan Amendments but believe that livestock grazing should not be included in the calculation as the previously referenced studies show the lack of harm that comes from livestock and GRSG commingling.

Alternative 2

Our organizations strongly support adoption of Alternative 2, the no action alternative. As demonstrated above, the current management strategies are working for Montana and we are confident that continuing down the current path is the most appropriate approach.

In October 2021, during a listening session hosted by the Montana Sage-Grouse Oversight Team, Jodi Bush of the Ecological Services Office in Montana for U.S. Fish and Wildlife Service reiterated the Service's strong support in her comments regarding Montana's sage-grouse management, referring to Montana's Greater Sage-Grouse Stewardship Act and to the Governor's Executive Orders 12-2015 and 21-2015 on sage-grouse protection.

> "I wanted to take a minute and just say that we continue to express our continued strong support for the program and for the effective implementation of the Stewardship Act and of those Executive Orders. Because of the substantive, positive impact it's had on

> Montana greater sage-grouse conservation. And as you've heard today, this has been achieved in no small part through thoughtful and transparent program implementation and ongoing stakeholder engagement regarding the Program and through improvements. I'd also like to note that the Program, including application of the Habitat Quantification Tool and the policy around that, the Executive Order measures, and compensatory mitigation, have been extremely effective for sage-grouse conservation. You know, we've, Montana is one of the few states that has seen its sage-grouse numbers be relatively unimpacted over the last several years and your program is an example for other states working on sage-grouse conservation."

Montana specific management plan

Montana continues to advocate for a management approach that is specific to the state. The American West is a unique place, with massively varying landscapes and ecology within just miles of each other. A one size fits all approach has not been and will not be effective across the West. This is demonstrated clearly by Montana remaining under the 2015 Sage-grouse Plan the rest of the west moving to management under the 2019 amendments. Montana has been successful, allowing our population to thrive to the point of being able to translocate a portion of our population to Alberta, Canada to assist in their population development (FWP 2024). Further, Montana populations have not seen fluctuations outside of ordinary trends. In fact, 2023 population numbers, although on a downswing, are still higher than 10 years ago in 2013 (FWP 2023). Part of the success of Montana is due to state management activities as well. The State is able to effectively manage Montana populations because it understands Montana geography, populations, ecology, and communities. Our organizations reiterate the value of BLM plans aligning with state plans, not vice versa.

Livestock grazing and sage-grouse success

A 2018 study on Northern Great Plains GRSG populations, found little indication of short-term negative impacts from grazing on nesting success or quality. It also found that interventions such as destocking, delayed turnout, or rest are unlikely to increase nesting success. The study went on to state that these findings may not be applicable in other regions of the country, proof that a comprehensive national plan is ill-fitting for management of this species (Smith et. al. 2018).

Another study found that a holistic approach to the sage-brush desert and shrubland ecosystem health, is crucial to the success of the GRSG species. Instead of looking solely at populations, true management should incorporate habitat metrics like insects, forage, and wildfire. Livestock grazing is not detrimental to important insects, and even increases abundance of beetles, moths, and butterflies (Richardson et. al. 2023). This emphasizes the value in including all facets of land health into management decisions, even in the case of GRSG management.

When looking at wildfire, hundreds of millions of acres are at risk of entering or persisting in the threat of catastrophic wildfire-invasive species-habitat loss without the agency taking a more comprehensive view of landscape health that manages acres for resiliency, rather than

achievements at a single point in time. To that end, restoring native grass ecosystems is crucial for long-term landscape health and resistance to succumbing to catastrophic wildfire conditions.

Grazing is an effective mechanism to decrease fine fuels that contribute to the risk of catastrophic wildfire, as acknowledged by the agency during the inclusion of grazing in the targeted Environmental Assessment on fuel breaks and in planning documents through the planning evolution from 2015 to the most updated plans. BLM should increase the use of grazing as a tool to achieve habitat objectives and goals, rather than restricting opportunities to make best use of a low-intensity, high-achieving tool. GRSG success is severely harmed by wildfire which instantaneously reduces nest and adult population survival (Tyrell et. al. 2023). Livestock grazing has proven to reduce fuel, decrease the intensity of fires, while mitigating the negative externalities of wildfire many times over (Davies et. al 2020, Davies et. al. 2015, Ratcliff et. al. 2023). Without ranchers, who provide an effective line of defense against fire and noxious weeds, who manage forage for optimum production, and who are the primary protectors of open space in the private lands of the west, large areas of sage-grouse habitat would be in jeopardy. The benefits provided by ranching relate directly to several identified threats to sage-grouse habitat, including wildfire, invasive plants, and urbanization and development. The ranching community is also the most cost effective means to provide these benefits.

Because of the BLM's multiple use mandate, the land must be utilized for various purposes. If grazing is removed from the landscape, it is likely that other usage will still occur, including recreation. Assuming increased recreational use, maybe due to a decrease in fencing, livestock presence, etc., the overall disturbance on that particular piece of land is likely to increase. Recreational use does not provide the same ecological benefits that livestock grazing does, but the disturbance to the landscape is still occurring, if not increasing. There is no symbiosis in this relationship, unlike the relationship between GRSG and cattle.

Areas of Critical Environmental Concern

Within the discussion of ACEC designations, the tone indicates that livestock grazing is a harmful, limiting factor in sage-grouse success. Even further the concept of improper grazing is used as a point of reason for the expansion and designation of new ACECs. This is an inaccurate argument because 91% of Montana's permittees have met or exceeded Land Health Standards. Under section 2.5.10 Livestock Grazing, the USFWS found that improper grazing can have negative impacts but is not a principal factor affecting the status of the species. Not only is improper grazing an infrequent occurrence but when it does occur it is not a factor in species survival. Further the BLM makes it abundantly clear that they understand the concept of proper grazing, stating that, "well-managed public grazing…can be compatible with GRSG persistence." MSGA, MPLC, and MASGD emphasizes the importance of basing management decisions on reality, not on infrequent worst-case scenarios.

Regulatory Conflicts

Across the board, the current Plan Amendments create conflict and inconsistencies with other BLM ongoing regulatory actions. Examples include the Western Solar Plan, Snowy River CO2 Sequestration project, and the recently finalized Public Lands Rule.

The Western Solar Plan increases utility-scale solar development across 6 additional western states. Installation of these solar fields will result in multiple-use landscapes to single use parcels, inconsistent with the agency's multiple use mandate under FLPMA. In the Western Solar Plan the BLM acknowledges the incompatibility of solar use and grazing. The conversion of grazing lands means not only a loss of productive acres, but also a loss of ecosystem goods and services. This reduction in natural spaces in combination with the installation of solar infrastructure providing a perch for GRSG predators, creates an outsized risk for sage-grouse. The impacts of the solar plan are inconsistent with the proposed outcomes of these Plan Amendments.

The Snowy River CO2 Sequestration project will not only increase human presence in core sage-grouse habitat, but displace birds from roughly 80,000 acres of habitat. Our organizations raised serious concerns about the impacts to GRSG habitat in our comments on the EA. The BLM is attempting to mitigate the acknowledged degradation to habitat and displacement of birds as a byproduct of the CO2 project by implementing compensatory mitigation strategies. However, the credits are purchased in locations where GRSG already exists, providing no new home to birds displaced by the CO2 project. Again, this appears to be in direct violation of the intent of these Proposed Amendments.

The recently in effect Public Lands Rule poses further complications to regulatory consistency. The Public Lands Rule upended the BLM's multiple use mandate to place conservation on par with the decades-old multiple uses designated under FLPMA. Restoration leases under this rule allow land to be "passively" assisted in the recovery of an ecosystem, meaning non-use is now a viable land use action. This rule is inconsistent with proposed actions noted above, the Western Solar Plan and the Snowy River CO2 Sequestration Project. It is unclear as to why certain disturbances are considered positive and necessary to the point of displacing GRSG while other disturbances, even ones scientifically proven to have a negligible impact on GRSG success, are eligible for restrictions and removal.

We appreciate the opportunity to comment on the Greater Sage-grouse Plan Amendments and continue to emphasize the importance of livestock grazing in sage-grouse management and holistic approaches to range health. It is important to remember, sage-grouse decisions affect ranchers on both private and federal lands, we must get it right. Montana is succeeding in the work that we are doing to conserve sage-grouse.

Sincerely,

Ellie K. Brighton
Montana Stockgrowers Association | Government Affairs Specialist
Montana Public Lands Council | Executive Secretary
Montana Association of State Grazing Districts | Executive Secretary

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PETROLEUM ASSOCIATION of WYOMING

May 14, 2024

Pat Deibert
BLM National Sage-Grouse Conservation Coordinator
HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84101

re: Notice of Availability of the Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning. Areas of Critical Environmental Concern. BLM_HQ_FRN_MO4500174493 and DOI-BLM-WO-2300-2022-0001-RMP-EIS

Dear Ms. Deibert,

The Petroleum Association of Wyoming (PAW) represents companies involved in all aspects of responsible oil and natural gas development in Wyoming, including upstream production, oilfield services, midstream processing, pipeline transportation and essential work such as legal services, accounting, consulting and more[1]. Through this land use planning process, the Bureau of Land Management (BLM) called for nominations of areas of critical environmental concern (ACEC), as they are required to do by law. Upon review of the information presented, and in light of the extensive management requirements currently in place, designation is not warranted.

An ACEC is a designation created through the Federal Land Policy and Management Act (FLPMA) which allows for special management of a resource that has certain relevance and importance criteria. FLPMA directed the executive branch to prioritize designation of ACECs. This is understandable, as when FLPMA was passed in the 1970's, Congress had a desire that unique resources have additional protection applied imminently to avert further degradation. Through time, however, this prioritization inherently lessens as areas with unique resources have been identified and the BLM's job would necessitate transitioning to effective management.

Through this planning effort, six ACECs have been proposed in Wyoming, encompassing 839,225 acres. The BLM has determined that four of those meet relevance and importance criteria, a requirement of FLPMA. The next stage in the decision-making process is for the BLM to determine whether the resources under consideration also require special management attention to preserve the resources.

[1] PAW advocates for oil and gas development that supports sustainable production of Wyoming's abundant resources; fosters mutually beneficial relationships with Wyoming's landowners, businesses, and communities; and upholds the values of science-based, environmental stewardship. Recent studies show this industry supports over 20,000 jobs in Wyoming and contributes $8 billion in economic activity. Our industry generates significant tax revenue to the state of Wyoming, funding state and local government operations, education and public infrastructure. Eighty-five percent of the oil and gas companies operating in Wyoming are classified as small businesses.

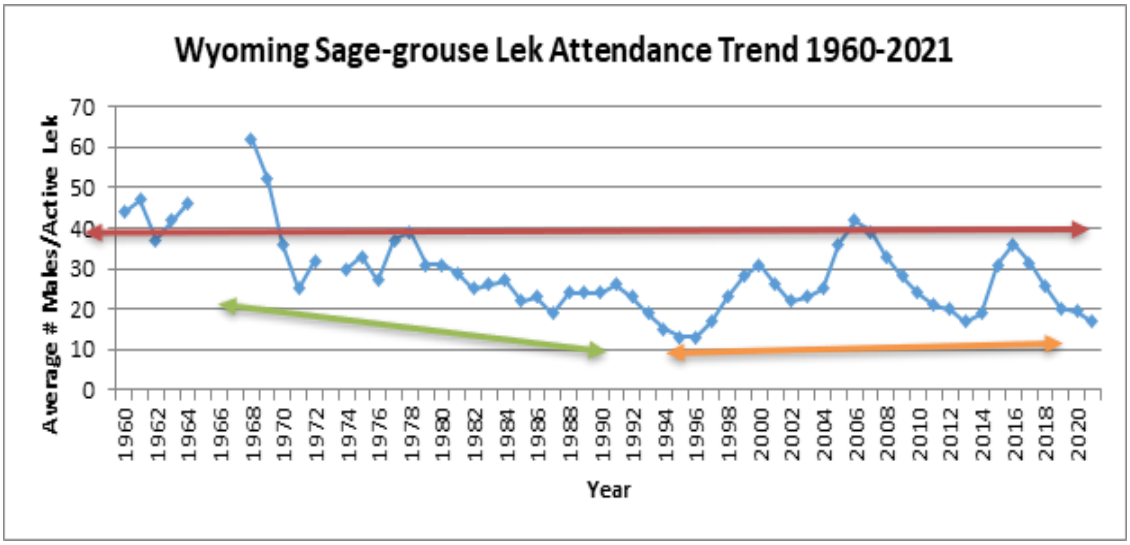
Wyoming's identity has been molded by sagebrush ecosystems and seasonally associated habitat mosaics that support wildlife. Wyoming is keenly aware of the concerns that have stemmed from past declines in Greater Sage-grouse (GRSG) populations and its habitat. Wyoming is also keenly aware that this habitat is vast, with priority habitat alone covering 24 percent of the state and overlying many of the resources upon which its bedrock industries rely.

Appreciating the multifaceted needs of protecting a state-managed species and the habitat that supports it, all while allowing for continued and deliberate operation of its economy, Wyoming decades ago established a government-wide regulatory framework to sustain GRSG. This framework was formalized in 2008 with the issuance of the first state executive order outlining requirements on habitat disturbance caps and coordination among state and federal agencies for GRSG management. The framework has evolved through four iterations when new information is presented or new threats identified. It is overseen by the Sage Grouse Implementation Team – a statutorily-embedded team of federal, state and local government, environmental interests, industries and more. At present, this framework oversees activities across 16 million acres of core habitat and 85 percent of the Wyoming population of GRSG.

GRSG Populations in Wyoming are Stable to Improving

PAW believes that the Wyoming Game & Fish Department (WGFD) lek count index[2] data indicates the current, state-based framework is working, while also allowing for economic activities to continue in sagebrush habitats. According to this index, GRSG populations have remained relatively constant in Wyoming since 1995, according to the WGFD. In **Figure 1** below, this metric in 1977 and 2006 (red arrow) are nearly identical at about 40 male GRSG per active lek. Nadirs (cycle troughs) are declining (green arrow) from 1970 to 1995 but stable to increasing (orange arrow) from 1995 to 2020. Data from 1970 thru 2020 – a 50-year period – indicates a relatively steady and sustainable sage-grouse population as indicated by this metric.

Figure 1



[2] This index uses the metric of average number of male birds per active lek.

More recent information from WGFD indicates the lek count index is now in the upward trajectory of the cycle, with a 6 percent increase from 2021 to 2022 and an additional 15 percent increase from 2022 to 2023.

Lessening Disturbance

The BLM should acknowledge the changes in drilling technology over the last decade which have significantly reduced surface disturbance and fragmentation impacts from oil and gas development. Fields can now often be developed using one pad per section with multiple directional or horizontal wells emanating from that single pad. Lease activity or well counts are no longer appropriate surrogates for anticipated impacts. In Wyoming, for example, directional drilling had increased by a factor of 8 and horizontal drilling by a factor of 40 over a decade ago (Applegate and Owens, 2014). Improvements over the last ten years include horizontal lateral lengths that now extend two or three miles. However, the generalized impacts from existing oil and gas operations continue to be over-estimated.

Closing lands to future disturbances will actually reduce the BLM's ability to site activities where they will have the least impact on a habitat. This strategy could result in restricting not only the funding and research opportunities afforded by responsible operations, but also the ability of operators to exercise responsible surface management practices associated with habitat restoration, monitoring and enhancement activities within post-disturbance areas.

As contemplated in Alternatives 3 and 6, the BLM would manage ACECs as either closed to fluid mineral leasing and rights-of-way exclusion or as no surface occupancy. The BLM acknowledges in the RMP that habitat within PHMA is not all equal, as there are varying degrees of habitat productivity. A blanket designation which removes any activities within large swaths of land will inhibit the BLM's ability to permit surface-disturbing activities in the best location. Yet the BLM imposing these restrictions does not mean that the activities will not occur – they would simply be moved to state or fee lands without such restrictions. Those adjacent, non-federally-managed lands may host better habitat than that which would have otherwise been distributed on BLM lands. At a landscape scale, the BLM should recognize and facilitate their management options which will result in the most positive outcome for GRSG and its habitat.

These facts also interplay with additional considerations the BLM requires of itself, as outlined in Instruction Memorandum 2023-013. These include whether designation of ACECs will contribute to landscape intactness, climate resiliency, habitat connectivity or opportunities for conservation. For each of these items, as they pertain to the ACECs proposed in Wyoming, PAW believes closing the lands within the ACECs will either not have a meaningful, positive effect on these factors or could diminish them:

- Landscape intactness: Placing large swaths of federally-managed lands as unavailable for oil and gas development limits the BLM's ability to place those activities where they would have the least impact. Closing federally-managed lands for oil and gas activities will drive those activities to adjacent private and state lands. This will remove the BLM's regulatory jurisdiction over these

activities and may move temporary disturbances on better sagebrush ecosystems and seasonally associated habitat mosaics than where it would have otherwise been sited. This lack of optionality would have greater negative impacts at the landscape scale, defeating the BLM's guidance to protect intact lands and is contradictory to principles used by the U.S. Fish & Wildlife Service, the WGFD and others to help manage the conservation of wildlife species and their associated habitat.

- Climate resiliency: Demand for oil and natural gas is not diminishing, at least not over the next 30 years, which is the extent to which the U.S. Energy Information Administration offers projections. It is well established that climate impacts are global, not local. The BLM closing lands it manages based on a desire to protect for climate resiliency will simply cause production of these resources to come from somewhere else. Climate effects will occur regardless of the BLM's action here. Placing oil and gas activities on federal lands results in the lowest overall climate impact, as the activities come appended with all the requirements imposed by the Bureau.
    - In the Jonah Field, an area which receives ~4 inches of precipitation and experiences 39-50 frost free days annually, recent studies suggest reclamation has resulted in a 1.67x increase in above ground biomass per acre compared to pre-development conditions (457 lbs/acre vs. 273 lbs/acre). Inherently, these improved land management practices proven in the Jonah Field have assisted with mitigating rises in atmospheric CO2 by enhancing carbon storage in plant biomass and soil organic matter, a process called terrestrial carbon sequestration (Izzaurralde et al. 2001).
- Habitat connectivity: The BLM does note the presence of genetic connectivity within some of the proposed ACECs. However, the analyses also indicate that there are multiple paths within and outside of many of these proposed ACECs, diminishing the argument of needing additional management prescriptions for connectivity. Additionally, Wyoming's executive order identifies connectivity areas and applies special management within each, covering surface disturbance thresholds, surface occupancy requirements, seasonal timing stipulations, reclamation, habitat treatments and follows the hierarchy of avoid, minimize and mitigate. The BLM has not made an argument of how the proposed, additional management prescriptions are necessary to sustain GRSG populations. In fact, as presented later, reclamation of disturbed sites often results in more productive habitat, which would create more resilient connectivity areas post-oil and gas development.
- Conservation: The state of Wyoming has long collected data on population and habitat, using this as a guide to direct state resources towards conservation efforts. This can be seen through the numerous projects and substantial funds allocated for habitat restoration by the Wyoming Wildlife & Natural Resource Trust, and more recently within a reclamation and restoration white paper being developed by the Sage Grouse Implementation Team. This latter effort is identifying specific reclamation techniques proven to be successful (and those unsuccessful) specific to different basins across the state. The outcome will increase the probability of successful

reclamation in sagebrush habitat and providing another tool to identify areas in the state for continued work. Simply put, conservation efforts are occurring and will continue in Wyoming.

These provisions are also found in the BLM's recently finalized Conservation and Landscape Health rule. While the effects of that rule are still to be determined, designating an ACEC based on these four factors, at least in the areas proposed in Wyoming, is not supported.

Success of Reclamation

Ecological reclamation has recently been defined "the process of assisting the recovery of severely degraded ecosystems to benefit native biota through the establishment of habitats, populations, communities, or ecosystems that are similar, but not necessarily identical to surrounding and naturally occurring ecosystems" (Gerwing 2022). As much of the Western United States has been managed for various land uses (e.g., domestic livestock grazing, recreation) for many decades prior to oil and gas development, most reference ecosystems which oil and gas reclamation sites are compared to are likely to be categorized as cultural landscapes which have 'developed under the joint influence of natural processes and human-imposed organization' (Balensiefer et al. 2004). In instances where ecosystems have developed into dense stands of old sagebrush lacking forb and grass components in the understory, successional theory would assert an expectation of a lack of overall biodiversity within those ecosystems compared to earlier successional vegetation communities (Walker & del Moral 2003).

Recent research from the Jonah Infill and Pinedale Anticline natural gas fields suggests early successional native vegetation communities (i.e., 1-3 years-old) on reclaimed natural gas well pads contain significantly higher amounts (i.e., 3-22x) of insects than reference ecosystems which are predominantly composed of decadent, old-growth stands of sagebrush (Curran et al. 2022a,b). In addition to the important ecosystem services of pollination, biodiversity, nutrient cycling and soil decompaction, insects are the primary source of protein for 96% of juvenile, terrestrial birds (Tallamy & Shriver 2021). In non-winter months, insects and forbs have shown to be important in GRSG diet and are critical to chick development during brood-rearing (e.g., Curran et al. 2015, Drut et al. 1994, Klebenow & Gray 1968). For example, Klebenow & Gray (1968) showed leaf beetles from the *Chrysomildae* family to be a primary component of the GRSG chick diet in weeks 5-10 post-hatch. In two of the lower 48 United States' most challenging environments due to aridity and extremely short growing seasons, it has been shown reclamation efforts on natural gas well pads can result in a 73-180x increase in these beetles within one year of initial reclamation seeding when Rocky Mountain bee plant (*Cleome serrulata*) is included in the seed mix (Curran et al. 2022a,b).

The 'conservation of pattern and process' paradigm for rangeland management proposed by Fuhlendorf et al. (2012) suggests perhaps the healthiest rangelands are those which contain a patchy mosaic of native vegetation at different successional stages. While fragmentation may contribute to declines in biodiversity when it is synonymous with habitat loss (Haila 2002), other conceptual models show different results (Fahrig 2003) with a recent meta-analysis examining 381 significant responses to habitat fragmentation showing 290 (76%) were positive (Fahrig 2017). Reasons for positive ecological responses to fragmentation may include increased functional connectivity, increased habitat diversity,

positive edge effects and landscape complementation (Fahrig 2017). As the majority of surface disturbance associated with oil and gas development undergoes reclamation soon after initial surface disturbance, and because operators and practitioners can be intentional with the seed mixes and reclamation treatments they apply, reclamation efforts can be viewed as a form of 'assisted succession'.

Results from studies conducted on 1-3 year-old reclaimed natural gas well pads which show a 3-22x increase in insect abundance and significantly higher insect diversity (Curran et al. 2022a,b) are consistent with successional theory which suggests that peaks in biodiversity would likely be seen in early successional stages (Walker & del Moral 2003). More recent research on natural gas well pads which are 5-12 years-old suggests that insect abundance and diversity remain significantly higher than levels found in reference ecosystems consisting of old stands of late successional sagebrush within the Pinedale Anticline natural gas field (Curran et al. 2024). Additionally, a 2023 study conducted across a 13.2 mile stretch of reclaimed pipeline right-of-way which was seeded between 2007-2018 found a 4-5x increase in insect abundance compared to adjacent reference systems (Curran et al. *unpublished data*).

Undisturbed sites within the Jonah Field average 9.6 species, annual herbaceous productivity of 273 pounds per acre and 46% similarity to desired ecological site description (ESD). Restored sites average 16.1 species, 457 pounds of annual herbaceous productivity and 54.4% similarity to desired ESD. Monitoring has shown that reclaimed locations have greater diversity, productivity and similarity to desired ESD's than undisturbed sites. This indicates reclaimed locations provide greater habitat to wildlife and preexisting uses such as livestock grazing.

These results suggest that as upstream and midstream operators in natural gas fields coordinate on reclamation efforts and goals with an emphasis on establishment of native vegetation communities, a network of biodiversity hotspots (well pads) and ecological corridors (rights-of-way) is possible. Hence, improvements in reclamation practices suggest disturbance with subsequent reclamation can actually improve some habitats.

Effects to Valid Existing Rights, Private Property and State Lands

The additional management prescriptions proposed in the ACECs would have implications beyond what the BLM has disclosed in the draft RMP. Many of these ACECs have extensive, current valid oil and gas leases within their boundaries. However, in many instances, additional federal lands are needed to allow for full development of the area, in the most environmentally benign manner and to have the most potential to not strand public resources. Additionally, not all of the current leases have sufficient rights-of-way established to access the parcels and move product to market. The BLM designating these ACECs will strand hundreds of thousands of acres of existing leases, an outcome that serves no purpose.

Similarly, the BLM's decision to designate ACECs does not only have consequences for the lands it manages on behalf of the American people, it will have direct implications to intermingled private and state lands. 48 percent of Wyoming's surface is managed by the federal government. In Western Wyoming, that proportion is much higher. Private landowner's ability to realize the full potential of their lands often requires the ability to access adjacent federal lands. Closing lands within ACECs to future leasing, ROW or applying NSO will make these private inholding islands, restricting their potential to develop private minerals and diminishing the value of those properties.

The same is true for lands owned by the state of Wyoming. Upon statehood, the Wyoming Constitution established that the number one priority for state lands is to generate revenue for its public school system and state institutions. In contrast to the BLM's multiple use mission, Wyoming state lands are focused on encouraging productive uses. These lands are very often encompassed by federal lands and require access through federal lands to be utilized. The BLM must respect this charge given to the state and ensure that no actions are taken that impede the state's ability to fund these activities. 43 C.F.R. § 1610.3-2 outlines the discretion afforded to states and a Governor's ability to make state policies known to the BLM through a consistency review. PAW can think of no higher instance of where federal government consistency is warranted than to a state Constitutional mandate.

New ACECs Are Not Warranted

Designation of an ACEC is intended to ensure irreparable harm to a resource does not occur. Irreparable harm, in this context, is defined as an activity that will substantially diminish the relevance and importance of a resource in such a manner that recovery of the resource is impossible. The BLM has not shown that irreparable harm is occurring to GRSG or its habitat in Wyoming. Each ACEC proposed is wholly within Priority Habitat Management Areas. Core area, as defined by the state of Wyoming, already includes "special management attention" in the form of disturbance caps, avoidance criteria, mitigation, timing stipulations and more.

Layering leasing closures and no surface occupancy on top of the provisions included in Wyoming's executive order are not needed for the sustainability of the species or its habitat. In fact, the provisions in Wyoming's framework are based on the best available science and are proving effective. Wyoming GRSG populations are stable, the Wyoming executive order is working, reclamation practices are creating better habitat and the current and future operational impact of this industry is more compatible with healthy wildlife populations.

The repercussions of the BLM working under the assumption that GRSG need a pristine environment in order to sustain would have severe consequences to Wyoming. By the BLM's own analysis, oil and gas activities on federally-managed lands in Wyoming generated over $18.8 billion in economic output in 2023 and supported over 50,000 jobs. That equates to 37 percent of Wyoming's 2023 Gross Domestic Product and 17 percent of its workforce. The vastness of GRSG habitat and population in Wyoming inherently causes it to intermingle with the lands this industry relies upon. There are few areas in Wyoming where oil and gas development occur that do not require approval from the federal government. A misapplication of management can have immediate consequences, affecting state and local government revenues and the infrastructure and social services they support.

Conclusion

The state of Wyoming has a successful regulatory framework in place. The oil and gas industry abides by this framework and has the opportunity to participate in its formation and evolution. So does the BLM. All of the successes discussed in this comment letter should lend themselves to the BLM's ultimate decision that the resources under consideration for ACEC designation do not merit additional special management attention.

Sincerely,

Colin McKee
Regulatory Affairs Director
Petroleum Association of Wyoming

cc: The Honorable John Barrasso, U.S. Senate, State of Wyoming
The Honorable Cynthia Lummis, U.S. Senate, State of Wyoming
The Honorable Harriet Hageman, U.S. House of Representatives, State of Wyoming
The Honorable Mark Gordon, Governor, State of Wyoming
Andrew Archuleta, Wyoming State Director, Bureau of Land Management

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June 13, 2024

BLM_HQ_GRSG_Planning@blm.gov
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89 FR 18963

[Docket No, BLM_HQ_FRN_MO4500174493]

Re: The Pew Charitable Trusts' Comments on the Draft Environmental Impact Statement to Amend 77 Resource Management Plans for the Conservation of the Greater Sage-Grouse

Dear Greater Sage-Grouse Planning Team:

The Pew Charitable Trusts (Pew) appreciates the opportunity to provide input on the Bureau of Land Management's (BLM) Greater sage-grouse (GRSG) Draft Environmental Impact Statement (DEIS) and Draft Resource Management Plan Amendments (RMPA) across the Interior West, including 77 Resource Management Plans (RMPs). We appreciate BLM's commitment to conserving the GRSG across this expansive habitat. Pew has been engaged in GRSG planning issues for more than a decade, including BLM's earlier planning effort in 2015.

Pew's U.S. Conservation program advances common sense solutions that address the impacts of a changing climate on nature and people, in collaboration with policy makers, Tribes and stakeholders. Our engagement in BLM planning processes is an important component of this work.

Overview

As the largest land manager of the Sagebrush Sea, overseeing 43 percent of its territory spanning roughly 69 million acres, the BLM needs to adhere to scientifically-based management. However, the urgency of the situation cannot be overstated. GRSG populations are in a distressing state of decline, with recent research revealing an 80 percent decline since 1965, including a 41 percent drop since 2002. Regrettably, 87 percent of the range has witnessed declining populations over the past two decades, primarily due to habitat loss, degradation, and fragmentation.[1]

[1] Coates, P.S., Prochazka, B.G., Aldridge, C.L., O'Donnell, M.S., Edmunds, D.R., Monroe, A.P., Hanser, S.E., Wiechman, L.A., and Chenaille, M.P., 2023, Range-wide population trend analysis for greater sage-grouse (Centrocercus urophasianus)—Updated 1960–2022: U.S. Geological Survey Data Report 1175, 17 p., https://doi.org/10.3133/dr1175.

Rather than embracing a specific alternative in the Draft Plan, Pew recommends that the BLM adopt a variety of management approaches from across the alternatives analyzed, as well as additional changes and improvements to ensure that the BLM's GRSG management reflects the best available science. Fortunately, the BLM is not required to select a specific alternative as it develops RMPA and Record of Decisions (RODs). As our comments on individual land allocations and management actions will make clear, Pew supports elements from a variety of the proposed alternatives.

The preferred alternative within the current DEIS is particularly concerning because it appears to dilute the protections established under the 2015 plans, even though GRSG populations have declined precipitously during this timeframe. Despite the absence of evidence indicating the sufficiency of the 2015 plans in reversing long-term population declines, the preferred alternative proposes measures that weaken crucial safeguards. These include reduced protections around leks, opening Priority Habitats to oil and gas leasing, and designating Priority Habitats as areas for renewable energy development without exclusion. Moreover, the shift in mitigation objectives from 'net gain' to 'no net loss', coupled with reliance on unproven state mitigation programs, is a cause for concern. The removal of Sagebrush Focal Areas and dismissal of the mineral withdrawal recommendation, alongside the failure to designate Areas of Critical Environmental Concern (ACECs), further exacerbate the situation. It is imperative that BLM adopts plan amendments that prioritize the biological needs of the GRSG and address the ongoing population declines and habitat loss in a more comprehensive manner.

Recommendations
Specifically, we urge the BLM to:

1. **Manage GRSG to reverse ongoing population declines.** Management plans should be achievable, consistent, and durable. Management should conserve intact landscapes and functioning sagebrush ecosystems and help avoid any listing of GRSG under the Endangered Species Act of 1973 (ESA).

GRSG, as well as approximately 350 other species that utilize the unique sagebrush ecosystem of the American West, depend on large, intact, and connected habitats. While individual GRSG populations and management actions are important, the BLM needs to better address threats facing the entire sagebrush ecosystem and the species the rely on it, including GRSG and humans. The primary goal of this planning process should be to manage BLM lands for intactness to support GRSG populations across the range. The loss of intact landscapes can initiate a cycle of ecosystem degradation. For example, landscape fragmentation—caused primarily by development—allows for the spread of invasive annual grasses, which in turn alter fire cycles, and have led to staggering loss of GRSG habitat across the range. The importance of intact landscapes is not limited to priority habitat management areas (PHMAs) but includes general habitat management areas (GHMAs) as well.[2]

[2] See D. R. Edmunds, C. L. Aldridge, M. S. O'Donnell, and A. P. Monroe, "Greater sage-grouse population trends across Wyoming," *Journal of Wildlife Management* 82(2) (2018): 397-412, DOI:10.1002/jwmg.21386; A. W. Green, C. L. Aldridge, and M. S. O'Donnell, "Investigating impacts of oil and gas development on Greater Sage-Grouse," *Journal of Wildlife Management* 81(1) (2016): 46-57; Emma Suzuki Spence, Jeffrey L. Beck, and Andrew

Maintaining intact landscapes represents a simple and cost-effective approach to ameliorating these threats and preserving GRSG populations.[3] Given the greater challenges and expense involved in restoring native sage habitat, protecting the most valuable intact remaining areas is common sense. The differences in habitat management areas between Alternatives 4 and 5 are significant, as Alternative 5 would designate 5 percent fewer PHMAs and 8.5 percent fewer GHMAs. Therefore, Pew urges the BLM to adopt the mapping of PHMA and GHMA proposed in Alternative 4.

We also urge the BLM to adopt state-specific variations for GRSG management only when necessary, only after attempting to find other solutions to conflicts and variations across the range, and when the altered management approach(es) will provide equal or greater protection to the species. Doing so will best allow this planning process to achieve the goals of consistency, efficiency, and transparency.

2. **Use the best available science to identify and protect important GRSG habitat as PHMA, and the "best of the best" as ACECs.** This approach, including a limited number of targeted, high-value ACECs, will best allow the BLM to fulfill its multiple-use and sustained yield mandate, locating GRSG conservation actions where they will be most effective and authorizing other land allocations where they least conflict with GRSG conservation.

ACEC designations can provide necessary special management to sage-grouse populations and habitat and help reverse long-term sage-grouse declines. Beyond conferring management measures specifically designed to maintain and enhance ACEC resources, ACECs are helpful for increasing funding and partnership opportunities and communicating the importance of the designated lands. Further, there is precedent for using ACECs at the landscape scale to provide protections to imperiled species and drive resources to restorative and protective activities.

J. Gregory, "Probability of lek collapse is lower inside sage-grouse core areas—Effectiveness of conservation policy for a landscape species," *PloS ONE* 12(11) (2017):e0185885, https://doi.org/10.1371/journal.pone.0185885; Peter S. Coates, Brian G. Prochazka, Mark A. Ricca, Brian J. Halstead, Michael L. Casazza, Erik J. Blomberg, Brianne E. Brussee, Lief Wiechman, Joel Tebbenkamp, Scott C. Gardner, and Kerry P. Reese, "The relative importance of intrinsic and extrinsic drivers to population growth vary among local populations of Greater Sage-Grouse: An integrated population modeling approach," *The Auk* 135(2) (2018): 240–61, https://academic.oup.com/auk/article/135/2/240/5148801; S.E. Hanser, P.A. Deibert, J.C. Tull, N.B. Carr, C.L. Aldridge, T.C. Bargsten, T.J. Christiansen, P.S. Coates, M.R. Crist, K.E. Doherty, et al, Greater sage-grouse science (2015–17)—Synthesis and potential management implications: U.S. Geological Survey Open-File Report 2018–1017, https://pubs.usgs.gov/publication/ofr20181017.

[3] See J. W. Connelly, S. T. Knick, M. A. Schroeder, and S. J. Stiver, Conservation assessment of greater sage-grouse and sagebrush habitats (unpublished report) (Cheynne, WY: Western Association of Fish and Wildlife Agencies, 2004); T. B. Cross, M. K. Schwartz, D. E. Naugle, B. C. Fedy, J. R. Row, and S. J. Oyler-McCance, "The genetic network of greater sage-grouse: Range-wide identification of keystone hubs of connectivity," *Ecology and Evolution* 8(11) (2018); 5394-5412; S. J. Oyler-McCance, T. B. Cross, J. R. Row, M. K. Schwartz, D. E. Naugle, J. A. Fike, K. Winiarski, and B. C. Fedy, "New strategies for characterizing genetic structure in wide-ranging, continuously distributed species: A Greater Sage-grouse case study," *PLoS ONE* 17(9) (2022): e0274189, https://doi.org/10.1371/journal.pone.0274189; Shawna J. Zimmerman, Cameron L. Aldridge, Michael S. O'Donnell, David R. Edmunds, Peter S. Coates, Brian G. Prochazka, Jennifer A. Fike, Todd B. Cross, Bradley C. Fedy, and Sara J. Oyler-McCance, "A genetic warning system for a hierarchically structured wildlife monitoring framework," *Ecological Applications* 33(3) (2023): e2787, https://doi.org/10.1002/eap.2787.

If a small number of areas that represent the "best of the best" GRSG habitat were designated as ACECs and provided the strongest protections (outlined below), it would enable the BLM to adopt a more flexible approach to management of other areas of PHMA. These areas should be identified based on peer-reviewed scientific literature that accounts for landscape intactness, range-wide population modeling, sage-grouse genetic flow/population connectivity, energy development potential, climate scenarios, and spatially explicit models such as the Sagebrush Conservation Design, a model developed by an interdisciplinary group of experts that leveraged new sagebrush rangeland conditions and threats.

In particular, Pew supports several key ACEC nominations including portions of the Owyhee Jarbridge (NV/ID border) and the High Divide (ID/MT border) areas, the South Valley Phillips/Hi-Line (MT), and the Golden Triangle/Little Sandy area (WY). We want to especially highlight the Little Sandy ACEC in Wyoming, for which Pew commissioned an analysis by Conservation Science Partners.[4] The analysis found that the Little Sandy ACEC nomination meets multiple relevance and importance criteria, including containing high quality habitat for the GRSG. The report further analyzed indicators that relate to GRSG habitat, including sagebrush cover. Relative to other lands across the West, BLM lands within the West, Wyoming, and BLM lands within Wyoming, the proposed ACEC scores within the 99th, 97th, 97th, and 96th percentiles, respectively, of sagebrush cover. The report finds that special management attention is warranted to continue to safeguard this intact ecosystem. Pew strongly recommends that the Little Sandy and these other key ACECs are designated as part of the final RMPA.

It is notable that BLM has proposed designating more than 11 million acres of new ACECs in Alternatives 3 and 6, but none within Oregon. Oregon is the only state in the planning area where BLM did not propose new ACECs, despite the state containing a significant amount of GRSG's habitat in the westernmost portion of its range. Furthermore, BLM analyzed and recognized the relevance and importance values of 17 new ACECs for the GRSG in Oregon in the 2015 National Greater Sage-grouse Planning Strategy. By not including any ACECs in Oregon in the 2024 RMPA, it is not only inadequate for protecting the species within this part of the range, but it is inconsistent with BLM's approach in other states. We recommend that BLM revisit its 2015 analysis and reconsider designating ACECs in Oregon in the final plan.

In order to protect the relevant and important values of these highly targeted areas, special management prescriptions are needed, which should include the following:

- Designate as Right of Way (ROW) exclusion areas, including prohibiting renewable energy generation sites and transmission lines;
- Recommend withdrawal from mineral entry;
- Close to leasing or allow leasing only with no surface occupancy with no exceptions, waivers, or modifications;
- Allow leases to expire when the primary term for existing leases end;
- Condition approval on both lease terms and ACEC management direction when reviewing new Applications for Permit to Drill, or APD extensions;

[4] Conservation Science Partners. 2022. A landscape-level assessment of Area of Critical Environmental Concern (ACEC) criteria in the proposed Little Sandy Landscape ACEC. Technical Report. Truckee, CA, USA.

- Close to construction of new roads;
- Designate as closed to motor vehicle use, as limited to motor vehicle use on designated routes, or as limited to mechanized use on designated routes;
- Close to mineral material sales;
- Designate as Visual Resource Management Class I or II;
- Restrict construction of new structures and facilities unrelated to the preservation of GRSG and not necessary for the management of uses allowed under the land use plan; and
- Retain public lands in federal ownership.

Adopting a three-tiered approach of GHMA, PHMA, and ACECs will enable the BLM to meaningfully protect the most important areas for GRSG conservation while allowing other important uses of BLM-managed lands in less sensitive areas, and to meet the agency's multiple-use obligations.

3. **Apply the full mitigation hierarchy to all GRSG-impacting activities.** While compensatory mitigation can be used to offset impacts to GRSG, it must be used after impacts have been avoided and minimized to the maximum extent practicable. It should also be used in a manner that addresses all direct, indirect, and cumulative impacts.

Applied in a balanced way, mitigation can result in positive outcomes for all – the public, communities, businesses, and the environment. Sound mitigation policy provides agencies such as the BLM with a structured, rational, and transparent framework for reviewing use requests and meeting multiple-use and sustained yield mandates. Pew urges the BLM to incorporate strong criteria for mitigation in the final EIS and RMPAs/RODs.

Because the BLM has the authority under the Federal Land Policy and Management Act to require compensatory mitigation,[5] Pew supports the approach taken in Alternatives 4 and 5, under which the BLM itself will require mitigation to a 'no net loss' standard if the relevant state either does not require mitigation, or the state's mitigation program is determined by the BLM to be inconsistent with BLM or Department of the Interior policy.[6] We also support the approach in Alternative 4 under which the BLM would consider requiring mitigation *above* state requirements, in areas where adaptive management triggers have been met.[7]

We urge the BLM to adopt a stronger approach than the preferred alternative and prohibit the use of compensatory mitigation to authorize Waivers, Exceptions and Modifications (WEMs) in No Surface Occupancy (NSO) areas, including within all PHMA outside of Wyoming and within lek buffers subject to NSO stipulations in Wyoming. Compensatory mitigation must meet very high standards to be effective, as its use invariably introduces risk to protected resources such as GRSG. In the case of oil and gas development—an activity which has significant adverse impacts on GRSG population—the BLM should not introduce this risk. The reason for NSO stipulations on most PHMA and Wyoming lek buffers is that they represent the core areas most

[5] See U.S. Department of the Interior Office of the Solicitor, M-37075, Withdrawal of M-37046 and Reinstatement of M-37039, "The Bureau of Land Management's Authority to Address Impacts of its Land Use Authorizations Through Mitigation."
[6] Draft EIS, 2-24 through 2-25.
[7] Draft EIS, 2-24 through 2-25.

essential to GRSG reproduction, population sustainment over time, and ultimately recovery of the species' population. NSO stipulations are among the most important protections that can be afforded and represent a linchpin for any GRSG conservation strategy that focuses on core areas. For this reason, Pew urges the BLM not to allow compensatory mitigation to facilitate WEMs in NSO areas.

4. **Use the best available science to establish lek buffers.** Significant research into GRSG behavior, revealing that older approaches to lek buffers, many of which persist in the DEIS, are inadequate to effectively protect GRSG.

Lek buffers are an important tool to protect active GRSG leks from a variety of habitat-disturbing anthropogenic activities, including construction of oil and gas wells, roads, pipelines, transmission lines, and other tall structures. Research has demonstrated that if the nesting habitat around the lek is degraded or removed, lek attendance will decline and the lek will eventually become inactive.[8] As this planning process continues, we urge the BLM to reconsider the proposed lek buffers in the DEIS and bring them into alignment with the best available science, which includes applying a minimum 4-mile buffers to protect breeding, nesting and brood-rearing habitat in PHMA[9] and a minimum 3.1-mile[10] lek buffers in GHMA.

5. **Manage mineral development to avoid and minimize impacts to GRSG.** The most prevalent land allocations on BLM-managed lands that are incompatible with GRSG persistency are mineral development, including oil and gas, other fluids, and solid minerals. Areas of lesser importance for GRSG should be prioritized for these uses, and important GRSG habitat should be subject to closures, stipulations, and withdrawals, as appropriate.

Disturbance from oil and gas development is a primary threat to GRSG. The 2015 RMPA included provisions and stipulations designed to minimize the impacts of oil and gas development on GRSG and its habitat, but these measures have not been implemented with consistency or, in some cases, at all. The enjoined 2019 RMPA would have weakened the BLM's ability to manage oil and gas development for GRSG conservation. Therefore, it is imperative that this planning process result in a durable approach to oil and gas (and other energy and mineral) development that reflects the best science and conserves GRSG populations and habitat.

Nonrenewable energy development has also emerged as a major issue in GRSG conservation because areas currently under development contain some of the highest densities of GRSG and other sagebrush-obligate species in western North America.[11] A key component of the 2015

[8] Walker et al., "Greater Sage-Grouse Population Response to Energy Development and Habitat Loss"; S. M. Harju, M. R. Dzialak, R. C. Taylor, L. D. Hayden-Wing, and J. B. Winstead, 2010. "Thresholds and Time Lags in Effects of Energy Development on Greater Sage-Grouse Populations," *Journal of Wildlife Management* 74 (2010):437–448, http://www.bioone.org/doi/abs/10.2193/2008-289; Knick et al., "Modeling ecological minimum requirements for distribution of greater sage-grouse leks: implications for population connectivity across their western range, U.S.A."
[9] A 4-mile lek buffer may include an average of 80 percent of nesting females (SGNTT 2011: 21); larger buffers may be recommended to conserve the species (6.2 miles, Aldridge & Boyce 2007; 6.2 miles, Doherty et al. 2010; 5.3 miles, Holloran and Anderson 2005; 4.6 miles, Coates et al. 2013).
[10] See Manier et al., Conservation buffer distance estimates for Greater Sage-Grouse—A review.
[11] Naugle et al., "Sage-Grouse and Cumulative Impacts of Energy Development."

RMPA required the BLM to prioritize new oil and gas leasing outside of PHMA and GHMA to protect that habitat from future disturbance. In the current planning process, protection of GRSG habitat from oil and gas development should be maintained; this can be done with little impact on oil and gas development opportunities.

The BLM should adopt a coherent prioritization that will apply universally across field offices within identified GRSG PHMA and GHMA. In addition, appropriate prioritization guidance would be consistent with the BLM's newly-issued rule on onshore oil and gas development, which specifies that when offering lands for lease, the BLM must consider "[t]he presence of important fish and wildlife habitats or connectivity areas, giving preference to lands that would not impair the proper functioning of such habitats or corridors."[12] Prioritizing appropriate lands outside of GRSG habitat for oil and gas development is a balanced approach that enables the BLM to uphold its multiple-use mandate, by achieving the goal of conserving GRSG and maintaining production of oil and gas (and other essential minerals and energy resources). .

Pew supports the BLM's management approach to geothermal energy development, especially NSO stipulations for all PHMAs. However, we recommend that geothermal energy development occur outside of high-value seasonal habitats and connectivity corridors.

6. **Apply disturbance caps consistently.** Disturbance caps are an effective backstop for identifying and responding to direct, indirect, and cumulative impacts to GRSG habitat that otherwise might go unaddressed. They should be applied in a manner consistent with the best science, and with a minimum of exceptions.

The best available science supports disturbance caps of 3 percent, with the exception of one study, where brood-rearing GRSG established home ranges in areas that had 3.5 percent anthropogenic surface disturbance on average, including both active disturbance and reclamation, but this was because it was conducted in an area with so much disturbance that there were little to no areas that hadn't been disturbed – in this case females picked the least disturbed areas.[13] BLM includes disturbance caps in the DEIS, but also includes exceptions, which could undermine their effectiveness. As the BLM develops its Final EIS and ROD, we recommend that the disturbance cap exceptions in the DEIS be either eliminated or qualified with language directing that they be used exceedingly cautiously.

The BLM should limit the availability of WEMs for oil and gas stipulations, as intended in the 2015 RMPA, to ensure that these provisions do not undercut the purpose of the plans. In general, the requirements laid out in the DEIS for projects to secure WEMs are appropriate and rigorous, including scientific analysis of the area by a biologist and requirements for the complete mitigation of any impacts on adjacent habitat, including indirect and cumulative impacts, clear documentation, and public review.[14] Pew urges the BLM to retain both of these requirements in

[12] Fluid Mineral Leases and Leasing Process, 89 Fed. Reg. 30916, 30986 (April 23, 2024).
[13] C. P. Kirol, "Patterns of nest survival, movement and habitat use of sagebrush-obligate birds in an energy development landscape" (PhD dissertation, University of Waterloo, Waterloo, Canada, 2021). Although this study found the cut-off at 3.5% rather than 3%, this was because it included reclamation areas and was in an area in northwestern Wyoming that has so much disturbance that little to no areas are available that haven't been disturbed – females instead pick the least disturbed areas.
[14] See draft EIS, 2-47 through 2-91.

the final EIS and rigorously enforce them. Additionally, BLM must consider the cumulative impacts of WEMs across a state when considering additional requests.

To further address the threat imposed by infrastructure associated with development, the 2015 RMPA included caps for anthropogenic disturbances within PHMAs. Once a disturbance cap is reached, additional development will not be permitted on federal lands within the relevant PHMA. Caps were set at 3 percent or 5 percent, depending on the state.[15] Pew applauds the BLM for revisiting these disturbance caps in the DEIS, and for making improvements from the 2015 RMPA. Pew recommends that the BLM incorporate further improvements, as outlined above.

7. **Exclude renewable energy infrastructure from important GRSG habitat.** The impacts of renewable energy on GRSG are not yet fully understood. Compared to most mineral development, renewables such as wind and solar energy are flexible in their locations, and current projections indicate that there is more than sufficient land available for renewable energy development outside of high-quality GRSG habitat.

Renewable energy development is one of the most challenging issues for GRSG conservation, due to the vast potential for renewable energy across the range, including from wind and solar and increasingly geothermal sources, and the associated need for new transmission lines. We urge the BLM to adopt Alternative 4 of the DEIS for wind energy development and support the exclusion of solar energy facilities from GRSG habitat to the greatest extent possible. In particular, PHMAs should be closed to solar, as prescribed in Alternative 4 of the DEIS.

The BLM should use the existing and planned transmission lines recently identified in the Solar PEIS process to identify those corridors where transmission lines can be collocated to minimize habitat fragmentation and associated impacts. New transmission lines should not be authorized outside of utility corridors, nor should new corridors be placed within PHMAs. For those locations where transmission lines already exist, or where valid existing rights necessitate construction of new generation interconnect lines in GRSG habitat, the BLM should apply the avoidance criteria and afford additional protections for breeding, nesting, and other high value/limiting seasonal habitat proposed under Alternative 4.

8. **Manage livestock grazing to conserve GRSG.** Unlike most other competing land allocations, livestock grazing can be consistent with GRSG population health, and can even improve habitat conditions for GRSG. However, grazing can also have adverse impacts on GRSG health. To achieve this, grazing must be managed to meet land health standards (LHS) and must consider specific circumstances unique to each location.

Achieving positive outcomes for GRSG from grazing depends on careful consideration of numerous factors. For example, researchers from the U.S. Geological Survey, Colorado State University, and Utah State University found that higher levels of grazing early in the growing season (before peak plant productivity) was associated with GRSG population declines, but

[15] Draft EIS, 2-29.

similar high grazing levels later in the season corresponded with GRSG population increases.[16] In moister areas with greater plant productivity, in contrast, GRSG benefitted from intermediate grazing levels *early* in the season, and *not* from higher levels of grazing, even later in the season.[17]

We support responsible grazing within both PHMAs and GHMAs and taking into account spatial and temporal impacts listed above, provided that appropriate management actions are required. As such, Pew supports the approaches taken in Alternatives 4 and 5, rather than Alternative 3.

9. **Implement climate-ready management principles to manage GRSG habitat for present and future impacts of climate change**. Climate-based adaptation in natural resource management has been presented in published literature, government agency policies and white papers,[18] and online resources and tools for at least a decade. From these resources, Pew has identified a set of five interrelated principles that are important in determining whether planning processes and implementation approaches are climate-ready, or capable of dealing with the present and future impacts of climate change. strengthening and implementing links between them all.

    - **Climate Impact Evaluations:** Rather than trying to recover or sustain historical conditions, climate impact evaluations assess present and future climate change impacts on natural and cultural resources and the communities they support. This may involve climate scenario planning, predictive modelling, or vulnerability assessments. Climate impact evaluations help communities, natural resource managers, and decision makers plan for multiple uncertain future outcomes.
    - **Climate Responsive Goals and Strategies:** Goals and strategies should be explicitly linked to the findings of principle 1 and include clear, tangible, and desired outcomes with specific actions to achieve these outcomes and metrics to evaluate success. They should be designed to resist or adapt to different climate threats and other stressors identified through the climate impact evaluation.
    - **Systematic Monitoring:** Includes protocols and methods of what to measure, when and how to do it, followed by implementation and data collection. Systematic monitoring is critical for evaluating the effectiveness of management actions as well as for understanding how climate change is impacting resources over time. It requires regular schedules and standardized methods, as well as dedicated funding and staff time.
    - **Adaptive Management:** A process of iteratively planning, implementing, evaluating, and modifying management strategies in the face of uncertainty and change. Adaptive management reflects the need to adjust when new information from systematic monitoring (e.g., research/data analysis) local knowledge, and other variables, shows that the original goal is no longer feasible.

[16] See U.S. Geological Survey, "Livestock grazing effects on sage-grouse," press release, March 21, 2017, https://www.usgs.gov/news/national-news-release/livestock-grazing-effects-sage-grouse-study-identifies-options-sustain-0.
[17] U.S. Geological Survey, "Livestock grazing effects on sage-grouse."
[18] Stein, B.A., P. Glick, N. Edelson, and A. Staudt (eds.). 2014. Climate-Smart Conservation: Putting Adaptation Principles into Practice. National Wildlife Federation, Washington, D.C.

- **Collaborative Planning with Indigenous Nations and Climate Vulnerable Communities:** The planning process should engage, and potentially share decision-making, with sovereign Indigenous nations and climate vulnerable communities, as well as other local communities, and consider Traditional Knowledge as well as lived experience and expertise.

Related to the Climate Impact Evaluation principle, we applaud the BLM for evaluating climate scenario research in the RMPA, shown in Maps 3.11 and 3.12, that projects sagebrush habitat responses to a changing climate in the next twenty to forty years, and helps identify areas where climate change poses the greatest future threat to GRSG habitat. We further recognize that this research was reviewed as layers in the rangewide preliminary evaluation of ACECs. We urge the BLM to enhance its research by explicitly linking these projections to management prescriptions in PHMAs and ACEC designations, to ensure management decisions will positively contribute to the ecological intactness values on GRSG habitat. Doing so would be in line with the BLM Instruction Memorandum 2023-013, ACEC evaluations should consider "whether relevant values contribute to landscape intactness, climate resiliency, habitat connectivity, or opportunities for conservation or restoration"[19] and would be consistent with the recently finalized Public Lands Rule, wherein the BLM "emphasizes the role of ACECs in contributing to ecosystem resilience by clarifying that ACEC designation can be used to protect landscape intactness and habitat connectivity."[20] Finally, we highlight the BLM's approach within the 2015 Oregon GRSG plan, which analyzed "climate change consideration areas" for the GRSG.[21] These areas were identified by BLM as "likely to provide the best habitat for GRSG over the long term, according to recent climate change modeling."[22] We recommend that BLM apply this approach across the GRSG range.

Pew also acknowledges BLM's work on the environmental justice analysis, which demonstrates the Collaborative Planning with Indigenous Nations and Climate Vulnerable Communities principle. This report clearly shows how minority and low-income populations will be affected for several key issues including "impacts on environmental justice populations from potential changes in water quality, air quality, and climate change from potential mineral development under alternatives with less restrictions" (13-5-6). We urge the BLM to identify and discuss tradeoffs with environmental justice communities and to co-create durable solutions (i.e. program establishments) to negative climate change impacts. Moreover, we strongly suggest the BLM establish a process for early and regular outreach, engagement, and notification to these communities. As stated above, it is important to also examine and directly link how projected actions under different climate scenarios would impact communities.

Pew supports the BLM's forward-thinking goals and monitoring strategies to steward GRSG habitat, through adaptive management tools like the Habitat Assessment Framework (HAF), the

[19] Bureau of Land Management, IM 2023-013: *Clarification and Interim Guidance for Consideration of Areas of Critical Environmental Concern Designations in Resource Management Plans and Amendments*. https://www.blm.gov/policy/im-2023-013
[20] Conservation and Landscape Health 2024, 89 Fed. Reg. 40308 (to be codified in the at 43 C.F.R. Part 6100).
[21] Oregon Greater Sage-Grouse Proposed RMPA/Final EIS, June 2015, page 2-48: https://eplanning.blm.gov/public_projects/lup/60100/72059/79059/ORGRSG_Ch2_508.pdf
[22] Ibid.

GRSG Monitoring Framework, and the Targeted Annual Warning System (TAWS), all of which relate to the Systemic Monitoring and Adaptive Management principles. As the BLM rightfully notes: "…a site may not meet the suitable rating if many indicators are impacted by annual climate variability (e.g., drought conditions), which is independent of management" (8-1). Therefore, we recommend the BLM adopt a timeline to incorporate new information such as emerging research and evaluate management actions. We are pleased to see "invasive annual grass cover" as an indicator in the HAF, as this connects to the impact of climate change on GRSG habitat. We suggest similar climate indicators to track ecosystem health. Doing so will provide critical understanding of how climate change is impacting the sagebrush over time and will evaluate the effectiveness of management actions. Finally, we recommend that the TAWS, which is embraced by most western fish and wildlife agencies, have greater emphasis in the BLM's plan. TAWS has proven effective in monitoring population trends and prompting necessary management actions, and represents a critical mechanism for objective, data-driven, responsive conservation strategies that adapt to changing conditions.

Conclusion

Pew appreciates the opportunity to provide this input on the GRSG DEIS. We strongly urge the BLM to make significant improvements in management designations and prescriptions to ensure the enduring viability of GRSG populations across BLM-managed habitat. We look forward to continuing to engage with you as the Final EIS and ROD are developed and ultimately issued. Please do not hesitate to reach out to Laurel Williams, lwilliams3@pewtrusts.org, should you have any questions.

Sincerely,

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Director, U.S. Conservation
The Pew Charitable Trusts

CC: Tracy Stone-Manning, Director, Bureau of Land Management
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These comments are submitted on behalf of the more than 83,000 member families of the Idaho Farm Bureau Federation (IFBF) many of whom utilize Bureau of Land Management (BLM) land for agricultural and recreational purposes.

BLM manages 12 million acres of Idaho land which makes up almost one-fourth of the state's total land area.[1] The BLM's website boasts that BLM public land in Idaho generated more than $416 million in economic output in 2016, which is more than any other state. This revenue is generated from the 1,500 livestock operators who apply for 1,900 grazing permits on 2,100 allotments across 11,500,000 acres of BLM land.[2]

More overwhelming is the 36.5 million subsurface acres used for mining in Idaho administered by the BLM. One of those critical minerals is phosphorus, used in various household detergents and soaps as well as agricultural application products. Phosphorus mining has a rich history in southeast Idaho and has sustained communities and individuals for generations. Today, 44,000 acres of phosphate mining on BLM lands accounts for 6 million tons of ore annually. That is 22% of the nation and 4% of the world's phosphate. The labor income from those mines totaled $282 million in 2018.[3]

This prefaced information highlights that a change in the BLM's public land has significant and potential catastrophic impacts on agriculture. This is highlighted by the alternatives listed in the BLM's *Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement (DEIS)* where the BLM, in some instances, has failed to recognize that the impacts of an alternative may have overarching effects on lands the BLM has no jurisdiction over. The goal of these comments is to help provide clarity on what Idaho Farm Bureau would prefer.

BLM Alternatives

Alternative 1:

This alternative is a non-starter as previous attempts to implement the 2015 plan were blocked by a court's injunction. Despite this plan being amended, it still includes restrictions on livestock grazing and mining. It also reinstates 'Sagebrush Focal Areas' (SFA).

Focal areas are an artificial term that circumvents the process laid out in the Federal Land Management Policy Act of 1976 (FLMPA) in creating Areas of Critical Environmental Concern (ACECs). ACECs aim to prevent "irreparable damage to fish and wildlife services". The process is clearly defined in the act for creating ACECs. Focal areas are not a term used in the FLMPA and, thus, have no standing.[4] They add a second, capricious layer of agency oversight without proper vetting, unlike ACECs. Focal areas simultaneously single out one or multiple industries for reduction, such as livestock grazing and mining.

For these reasons, BLM should not select alternative 1.

[1] https://www.blm.gov/idaho
[2] https://www.blm.gov/programs/natural-resources/rangeland-and-grazing/rangeland-health/idaho
[3] https://www.blm.gov/programs/energy-and-minerals/mining-and-minerals/about/idaho
[4] https://www.blm.gov/sites/default/files/AboutUs_LawsandRegs_FLPMA.pdf

Alternative 2:

This is the preferred alternative for Idaho Farm Bureau. It allows the states to continue to follow their own sage-grouse management plans.

Explicitly, Idaho Farm Bureau is disappointed BLM did not accept Idaho and Wyoming's request to have a state specific alternative. While it may be true that state alternative language was included in the BLM's alternatives, what it fails to acknowledge is state autonomy and their ability to manage sage-grouse independently. In 2015, Idaho formalized its own plan and updated it again in 2021. In that plan, Idaho formed sage-grouse conservation strategies that accounted for wildfire, invasive species, large-scale infrastructure, and secondary threats. The plan recognizes the importance of grazing as a tool for wildfire fuel reduction and meeting the needs of Idaho Rangeland Health Standards (IRHS)[5] to conserve sage-grouse while observing the need for multiple-use on BLM lands. Additionally, this plan developed a 'trigger' mechanism that adjusts land designation to respond to sage-grouse habitat and population changes.[6]

Despite the federal government's attempt to circumvent Idaho's collaborative agreement in 2015,[7] the *Idaho Plan* has successfully aided in the restoration of sage-grouse to Idaho lands. In fact, male attendance at lek routes was up 13 percent in 2021,[8] 20 percent in 2022,[9] and up 8 percent in 2023.[10] No triggers were tripped that would justify moving a habitat to a more serious conservation area. Each year, the state counted over 500 active leks and exceeded their lek counting goal.

The state has taken a step further by implementing a similar plan for sage-grouse conservation on state endowment lands.[11] According to the state website, "This plan further demonstrates Idaho's commitment to sage-grouse conservation and ensuring compliance with the State's constitutional mandate to maximize revenue generation…[former] Governor Otter signed Executive Order 2015-04[12] reinforcing Idaho's greater sage-grouse conservation planning efforts. The executive order unites efforts to protect sage-grouse and its habitat across **all land-ownerships** to avoid a listing under the federal ESA, balanced with multiple use activities on public land"[13] (emphasis added).

The Idaho Governor's Office of Species Conservation (OSC) has been instrumental in working with the Natural Resources Conservation Service (NRCS) by aiding private landowners through the Sage-grouse Initiative.[14] This program, in collaboration with Idaho private landowners, sustains healthy sagebrush habitat. OSC is critical for this program's continuance as it works to provide technical and financial assistance from private, state, and federal land managers to implement projects.[15] Without Idaho's contribution, this program likely would not be as prolific as it is in the state.

So, while BLM may account for state plans in creating an overarching management plan, by creating a 'one-size-fits-all' alternative, the BLM discredits the work states have already done and would continue to do across all types of land ownership, not just BLM lands.

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5 https://www.blm.gov/sites/blm.gov/files/Idaho%20Standards%20for%20Rangeland%20Health%20and%20Guidelines%20for%20Livestock%20Management.pdf

6 https://gov.idaho.gov/wp-content/uploads/2022/03/Attachment1_2021IdahoPlan-FINAL.pdf

7 https://species.idaho.gov/wp-content/uploads/2019/08/NewsReleaseSage-GrouseLawsuit9.25.15.pdf

8 https://species.idaho.gov/wp-content/uploads/2022/01/SageGrouse_2021TriggersAnalysis_Final.pdf

9 https://species.idaho.gov/wp-content/uploads/2022/09/SageGrouse_2022TriggersAnalysis_Final.pdf

10 https://species.idaho.gov/wp-content/uploads/2023/11/SageGrouse_AMENDED2023TriggersAnalysis_11.13.2023_FINAL.pdf

11 https://www.idl.idaho.gov/wp-content/uploads/sites/2/sage-grouse/2017-1017-updated-lb-sgcp.pdf

12 https://species.idaho.gov/wp-content/uploads/2019/08/EO-2015-04-Sage-Grouse.pdf

13 https://species.idaho.gov/wildlife-species/greater-sage-grouse/

14 https://www.wlfw.org/low-tech-riparian-restoration-hits-the-ground-in-idaho/

15 https://species.idaho.gov/wildlife-species/greater-sage-grouse/

Alternative 3:

While the BLM considers this alternative to "include the most restrictive measures to protect and preserve Greater Sage Grouse and its habitat", Idaho Farm Bureau considers this the most draconian. The important question on this alternative is the question of legality, as the BLM would essentially eliminate multiple use. As the alternative itself states, "The BLM would close all PHMA to new fluid mineral leasing, salable minerals/mineral materials permits, and nonenergy leasable minerals leasing…PHMA would be recommended for withdrawal from location and entry…**and unavailable for livestock grazing**" (emphasis added). In this alternative, all acreage is PHMA.

Mining is critical to the Idaho economy. Across thousands of acres, the phosphorus that comes from BLM administered mines sustains communities and individuals and has for decades. Other mines have been stymied, despite going through appropriate, multi-year environmental research and plan approval by the BLM. This threatens almost half of a century of sustainable communities in southeast Idaho because of concerns surrounding sage-grouse presence. That's a potential loss of $1.9 billion[16] over the operational time frame of the mine.[17] Considering the detrimental impact this mine loss could have on the economy of Idaho communities, one can only imagine what similar impacts the BLM could impose when implementing SFAs and restricting future mining across the west.

Accounting for grazing loss is a whole separate beast. While it is true that grazing on BLM covers millions of acres, it is also true that producers often move their livestock for grazing from federal, to state, to private ground within a matter of days. Oftentimes, there is co-mingling between the different types of land. A change in accessibility for BLM land will greatly impact management decisions for producers who graze on different land ownerships. This could cause overgrazing on private land, expensive investment in rent or ownership for supplemental land, or a reduction in livestock numbers because of inaccessible feed.

Grazing is a tool that is critical for land management. When done correctly, it adds utility to otherwise uneconomical land, creates high-quality nutrients for human consumption, increases soil organic matter, soil structure, reduces wildlife risk, and allows cropland to be used for other direct-to-human products.[18] The *Idaho Plan* outlines how producers graze correctly.[19]

The American Farm Bureau Federation (AFBF) quantified the value that public lands grazing brought to western states. Direct value of sales for cattle, sheep, and goats that graze on public lands in Idaho total over $133.8 million in 2022. The benefits of this public land grazing for the consumer cannot be overlooked. Idaho public lands grazing contributes $416.8 million in ecosystem service benefits. This includes production of food and water, meaning promoting water filtration by improving soil structure, and improving nutrient cycles and crop pollination. This means that for the 30 cents per acre taxpayers contribute each year for rangeland management programs, they receive a net return of $19.85.

Producers, their families, and employees labor tirelessly to manage and conserve public lands. These operations understand the vital role they play in being stewards of the land while saving the taxpayers billions in rangeland management for which the government would otherwise have to write a check. So, what if livestock producers were to suddenly vanish off these public lands, as could happen under Alternative 3 and others? The replacement cost of a producer, a spouse, and two hypothetical laborers to do this work would be $340 million just in the state of Idaho.[20]

What does this mean for sage grouse? A University of Idaho study has found that despite the belief grazing reduces nest success because of reduced grass height, this is not the case and there is no measurable difference. Research does not indicate "that removing cattle from pastures leads to increased nest success". The study also found a greater amount of biomass and diversity of insects in grazed versus rested land.

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[16] Anticipated operational time of the mine multiplied by the anticipated annual revenue

[17] https://www.dtnpf.com/agriculture/web/ag/crops/article/2023/06/05/federal-judge-vacates-permits-bayer

[18] https://www.fb.org/issue/other/grazing-on-public-lands

[19] https://gov.idaho.gov/wp-content/uploads/2022/03/Attachment1_2021IdahoPlan-FINAL.pdf

[20] https://www.fb.org/market-intel/public-lands-grazing-vital-to-the-rural-west

"Insects are a critical food source for Greater Sage-Grouse and their chicks, and the influence of livestock grazing on insect populations has been a critical question for understanding the relationship between grazing and sage-grouse nest success."[21]

Evidently, the value of grazing on BLM land cannot be overstated.

Priority Habitat Management Areas (PHMA) would be the only type of land management in Idaho under this alternative. This would mean that 8,860,000 acres of the BLM's 12 million Idaho acres would be unavailable for grazing and mineral access. Additionally, this would put 3,438,307 acres in ACEC designation. It appears that these acres are not entirely accounted for in the PHMA, which means the areas of high oversight are not confined to the 8.9 million acres. From the alternative, "the ACECs would include portions of PHMA and would have the same allocations (i.e. allowable uses) as the rest of PHMA". So, PHMA and ACECs under this alternative would prohibit any economic benefit for the state of Idaho.

Under this alternative, there is no such thing as General Habitat Management Areas (GHMA) or Important Habitat Management Areas (IHMA). This means that even in high flourishing sage-grouse areas, the acreage would be considered as if there was not adequate sage-grouse there. A comparison to this is filling the glass until the water is overfilling and still considering it half empty. This type of conservation management is extreme and does not fill the intent of the Endangered Species Act[22] nor the FLMPA[23].

It is extremely concerning that alternative 3 would restrict grazing on "allotments completely or partially within PHMA". Does this mean if a fenced 100-acre allotment that has a quarter of an acre that falls under PHMA, then the entire allotment would have grazing restrictions? As was mentioned before, livestock producers often move their animals between BLM and different types of land. In this example, a quarter-acre of PHMA or ACEC would detrimentally modify a producer's operation for an undetermined number of years. BLM acknowledged this type of management could increase wildfires (which without grazing most definitely would) but failed to address what preventative alternatives would be implemented. This would not only be a tremendous risk to Idaho lands, public and private, but to the very sage-grouse the BLM is trying to protect.

Idaho Farm Bureau appreciates this is not the preferred alternative. However, any proposed alternative is a considered alternative. This alternative should not be considered at all due to its drastic overreach and detrimental effects. Simply, any efforts by the BLM to make its land inaccessible under this alternative for current or potential future grazing or mining negates the BLM's mandate to manage lands and does more harm than good.

Alternative 4:

It appears that in this alternative, 367,000 acres of GHMA and IHMA would be upgraded to PHMA. This is in replacement of SFA areas in different alternatives. The final sentence of this alternative states, "the primary difference between management of SFAs in 2015 and the PHMAs in this planning effort is that PHMA would not include a recommendation for withdrawal or prioritization strategies". This sentence highlights the illegality of the 2015 plans and the courts injunction, which would again be an issue of Alternative 1.

The question becomes what are the specific conditions required for compensatory mitigation under this alternative? Is it having acreage in PHMA? What is the BLM accounting for as far as range improvement the state, the mine or the livestock producer has done? As stated, Idaho and many producers have worked with NRCS to improve habitat for sage-grouse while coexisting on public and private land with different uses.

The three types of compensatory mitigation are permittee-responsible mitigation, mitigation banking, and in-lieu fee mitigation.

[21] https://www.uidaho.edu/cnr/rangeland-center/projects/grouse-and-grazing
[22] https://www.fws.gov/law/endangered-species-act
[23] https://www.blm.gov/sites/default/files/AboutUs_LawsandRegs_FLPMA.pdf

Under permittee-responsible mitigation, the definition requires the permittee be responsible for implementation and success of the mitigation, after the permit has been issued. So, are current permit holders free of this type of charge? Or will the BLM assess this fee at some other point to existing grazing permit holders? For livestock producers will the fee be assessed on a per AUM basis, a flat fee, or based on BLM's assessment of what they feel needs to be accomplished? Who is doing the assessment? If control is being rescinded from the states, will it be exclusively BLM? What is disappointing about this type of compensatory mitigation is it ultimately will fail to recognize the value of having livestock grazing around sage-grouse habitats, as has been mentioned previously. It will also fail to recognize the value producers have added back to the rangeland with the assistance of local governments, government programs, or out of their own pocket. Consider juniper tree removal in Owyhee County, Idaho. At the end of 2023, a total of 140,000 acres had been treated and that number increases today. By doing similar treatments in Oregon, sage grouse numbers had increased 12% and high-quality habitat increased by six times.[24]

Under a mitigation bank, individuals can purchase credits from a bank to meet their compensatory mitigation requirements. Can these be interstate credits? If the BLM is rescinding sage-grouse control from the state plans to implement a universal alternative, do the credits have to be within the state where they are purchased or can a producer in Idaho purchase credits from an individual's work in Nevada, where the BLM owns 48 million acres. Do the credits have to be exclusive to BLM owned land? It would seem prudent to allow credits to build up through voluntary participation from producers with leases on Forest Service, state land, or private property.

In-lieu fee mitigation seems to correlate with a producer getting involved with NRCS to make improvements that would benefit the producer and sage-grouse populations. But this doesn't address whether that type of mitigation can occur off BLM lands. As was mentioned before, BLM grazing often occurs among other types of land designation. While it is positive that the responsibility for maintenance would fall under the sponsor (the sponsor being the public agency or non-profit organization) cohesiveness between the individual and that agency must be a matter of concern.[25]

Producers and mines put a significant amount of work into land improvement and reclamation, often at their own expense, as was analyzed above. Compensatory mitigation does not take that into account, at least as stipulated in this plan, so we encourage the abandonment of this alternative.

Alternative 5:

If the BLM is unwilling to select alternative 2, Idaho Farm Bureau would prefer this alternative. It does not include SFAs that are essentially equivalent to ACECs, and it does not include ACECs. This is the preferred alternative of the BLM which is considered the 'least restrictive'. Thankfully this alternative acknowledges the importance of public land use with the incorporation of sage-grouse management and would not include a recommendation for withdrawal or prioritization strategies.

Idaho would prefer to see less acreage in PHMA. Since Alternatives 1 and 2 have 300,000 less acres in PHMA, and this is described as the least restrictive management plan, it would seem plausible that PHMA could be reduced in this alternative to match that of alternative 1 since the BLM is unlikely to reduce PHMA to state management levels as in alternative 2.

Alternative 6:

As appealing as it is to have the least possible restrictive implications on agriculture and mining, this alternative is not much better than alternative 3 because of the imposition of ACECs. ACECs allow for 'special management' that can exclude livestock grazing and other types of multiple use. ACECs will invoke prevention of multiple use, greatly limit producers' ability to manage livestock on BLM land and will only

[24] https://idrange.org/range-stories/southwest-idaho/bosh-project-restores-sagebrush-sea-at-a-grand-scale/
[25] https://www.epa.gov/sites/default/files/2015-08/documents/compensatory_mitigation_factsheet.pdf

allow BLM land to serve the sole purpose of sage-grouse management while increasing costs for rangeland management at the expense of the taxpayer.

It is critical for the BLM to recognize and understand the gravity of an ACEC designation on one acre or one million acres since the agency only has jurisdiction over its land. As the 2021 *Idaho Plan* states, "It is important to note that Federal [agencies]…should recognize that Federal actions on these lands can have direct and indirect impacts on State endowment trust lands managed by the Idaho Department of Lands and private lands. Thus, it is important to evaluate sage-grouse conservation and management in a comprehensive and holistic manner."

Implementing ACECs or any heavy-handed alternative or approach, such as having stand-alone ACECs, is not managing sage-grouse in a comprehensive or holistic way. It allows the BLM to pull the plug on multiple use and have consequential rippling effects on other federal, state, and private land management.

The BLM has indicated that ACECs could include the removal of wild horses and burros. This would require the BLM to be accountable to themselves for ACEC management, but this indicates to livestock producers that, if BLM is willing to reduce their own multiple use purposes, producers are disposable to the BLM in the success of these federally owned lands.

Lastly, the newly released Conservation Rule states, ***"the rule clarifies and expands existing ACEC regulations to better support the BLM in carrying out FLPMA's direction to give priority to the designation and protection of these important areas."*** Why do ACEC regulations need to be expanded? Will these be applied to this plan since this DEIS was released before the Conservation Rule? ACECs are already not a management tool for multiple resources that inhabit public lands but a mechanism that applies blinders to anything that exists beyond extreme conservationism. Expanding the scope of ACECs narrows that scope and minimizes the ongoing work of all stakeholders for species preservation.

The BLM should abandon this alternative and any imposition of ACECs as they will jeopardize multiple use.

Conclusion:

Idaho Farm Bureau, in addition to everything that has been mentioned already, asks the BLM to consider the following:

- The ripple effects of one agency having a management plan for sage-grouse that could have intended and unintended consequences on the management of other types of land and its usage. This includes, but is not limited to, livestock grazing and mining. Allowing states to continue to manage sage-grouse in their own state according to state plans, like the *Idaho Plan*, will greatly reduce these unintended consequences.
- The BLM mentions that other alternatives could be derived because of the comments and/or general agency decision making. Should this be the case, Idaho Farm Bureau asks that ample opportunity be given to comment on whatever new alternatives are derived that would be different from the six presented in this draft. That would include any modification to the current alternatives.
- Likewise, if the BLM desires to add standalone ACECs to any of the alternatives, then Idaho Farm Bureau would like ample opportunity to comment on those ACEC proposed designations.
- We lastly request that this multiple-hundred-page document be given more time for public comment and that adjustments be made to BLM's timeline to allow for more research by stakeholders into this document.

June 10, 2024

Tracy Stone-Manning, Director
Bureau of Land Management

Via BLM comment portal - https://eplanning.blm.gov/eplanning-ui/project/2016719/510

RE: 2024 Greater Sage-Grouse Draft EIS

Dear Director Stone-Manning:

These comments are submitted on behalf of Bighorn Audubon which works for the protection of birds and their habitat to enhance our communities and region. Bighorn Audubon is deeply concerned about the shrinking sagebrush ecosystem and the birds that rely upon it.

To date, government agencies and industry have failed to prevent sagebrush habitat from being significantly reduced and degraded – an ecosystem essential to Greater Sage-Grouse and many other birds and wildlife. As an indicator species, Greater Sage-Grouse provides an indication of the sagebrush ecosystem health.

Population declines of Sage-Grouse have mirrored the loss and degradation of their sagebrush habitat. Their numbers have fallen by 37% in just the last 22 years and by 80% since 1965. We appreciate the effort by BLM to address this problem in the Draft Environmental Impact Statement and urge you to **adopt science-based recommendations to reverse the decline of Greater Sage-Grouse**, as well as other birds and wildlife that are dependent on the sagebrush ecosystem. The science-based recommendations are here: https://www.grousepartners.org/2024-sagegrouse-scientists-letter-to-blm-on-draft-eis

Please adopt the following science-based recommendations in the Final Environmental Impact Statement.

- Protect habitat connectivity and large interconnected expanses of habitat on a large scale by designating these identified areas as a Primary Habitat Management Areas (PHMA) in Alternative 4.

- Strictly adhering to the No Net Loss policy in PHMA and Greater Habitat Management Areas (GHMA) as put forward in the Greater Sage-Grouse EIS.

- Adopt a science-based 3 mile No Surface Occupancy buffer around leks to prevent lek abandonment.

- Identify and adopt concrete actions that must be taken to reverse declines in Greater Sage-Grouse populations using the Targeted Adaptive Warning System (TAWS) model.

- Designate Areas of Critical Environmental Concern (ACEC) to provide additional protection for critical habitats. Two particularly important ACEC designations are the Golden Triangle, that supports the highest Sage-Grouse densities in the North America, and Carter-Cook connectivity area that provides for genetic connectivity between Sage-Grouse populations in Wyoming and those in North and South Dakota, and Montana.

- Work with the U.S. Fish & Wildlife, other agencies, and non-profits to initiate and implement a plan to adequately compensate private landowners and/or industry for protecting critical sagebrush habitat.

Sagebrush habitat is being lost and with it the Greater Sage-Grouse and many other sagebrush dependent species. Now is the time to take strong, concrete and specific actions to protect the remaining sagebrush habitat, and the birds and wildlife who depend on it. We have an opportunity now to halt that decline and we believe that BLM is up to the challenge. Bighorn Audubon and others are here to help you conserve this iconic species.

Respectfully, on behalf of the Bighorn Audubon Board of Directors,

JoAnne Puckett
President

Jill Morrison
Vice President

June 10, 2024

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c/o Patricia Deibert, National Sage-Grouse Conservation Coordinator
Bureau of Land Management
BLM Utah State Office
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440 West 200 South #500
Salt Lake City, Utah 84101

Dear Sage Grouse Plan Revision Team:

The Oregon Cattlemen's Association (OCA) is the trade organization established by Oregon's ranchers in 1913. OCA continues its mission to serve and advocate on behalf of Oregon's 13,000 ranchers disbursed across every Oregon county. OCA is respectfully offering comments on the BLM Draft Resource Management Plan and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning

Please enter the following into the record as substantive comment on the Greater Sage Grouse Land Use Plan Amendment March 2024

The draft EIS discusses habitat management in terms of the Habitat Management Framework (HAF).

Going forward it will be important to address the threats to the species, the big three threats in the Great Basin section of the range.

1) Conifer encroachment
2) Wildfire
3) Invasive annual grasses

We have made much progress on conifers, the other threats, wildfire and Invasive annual grasses (IAG) require ongoing management, livestock grazing is our primary landscape level tool, we can address the fine fuels that drive wildfire on the range, and we can use targeted grazing to move annual grass dominated systems back toward native bunch grass systems.

The following should be considered in context with grazing.

Moderate livestock grazing (e.g., grazing that balances the intensity, frequency, duration, and timing of grazing with variable vegetation/ forage resources) that supports the persistence of perennial bunchgrasses, has been shown to be compatible with sage-grouse population metrics (Boyd et al., 2014; Dettenmaier, 2018; Smith et al., 2018a, 2018b). Sage-grouse have been found to be generalists (Smith et al., 2020), exhibiting great flexibility when selecting habitat at the fine scale. This fine-scale vegetation, such as bunchgrass cover or shrub structure, does not influence nest success consistently and has weak effects on nest site selection according to a range-wide meta-analysis (Smith et al., 2020). Optimum sage-grouse habitat consists of large tracts of land encompassing diverse seasonal habitats (Knick and Connelly, 2011), including healthy tracts of sagebrush that include an herbaceous understory composed of large perennial grasses, perennial forbs, and insect food resources during the nesting season (Boyd et al., 2014; Crawford et al., 2004). Thus, management objectives for sage-grouse and grazing should focus on promoting vegetation conditions that promote resiliency to ecosystem-scale threats such as wildfire and resistance to exotic annual grasses rather than fine-scale vegetation metrics. Not only is livestock grazing the primary land-use in sage-grouse habitat, but it can also be employed strategically to improve or maintain rangeland condition by addressing these range-wide threats. Grazing can be used as a tool to reduce the risk of habitat loss from wildfire (Davies et al., 2010; Davies et al., 2015, 2022; Diamond et al., 2009; Orr et al., 2023; Thomas and Davies, 2023) and from invasive annual grasses (Davies et al., 2021a, 2021b; Schmelzer et al., 2014), or to improve habitat by increasing insect food resources (Goosey et al., 2019; Richardson et al., 2023). Properly managed livestock grazing allows for the maintenance of perennial bunchgrasses (Boyd et al., 2014; Miller et al., 1994), which are key to promoting ecosystem resilience of sagebrush rangelands (Johnson et al., 2022) and can provide visual obstruction for nesting sage-grouse (Hagen et al., 2007).

The final decision needs to be crafted so that the proper use of livestock as a tool is available on the landscape. Moderate levels of grazing leaves undershrub herbaceous vegetation in place (France et al., 2008).

Thresholds and Defined Responses

NEPA analysis that pre-loads authorization for the authorizing officer to reduce livestock levels could result in the loss of the ability to be impactful with grazing management. Successful ranchers have been flexible with their grazing for a long time, there is a need to have flexibility, but creating mechanisms to ratchet down permitted numbers disincentivizes progressive livestock management.

Thoughtful adaptive management requires careful review of the facts at hand and a carefully crafted response, creating canned responses during a permit renewal, turns

permit renewal into an adversarial process, and doesn't allow true adaptive management to happen, this should not be part of the final ROD.

During low moisture years a permittee may wish to bring pairs (cows with calves) off the permit early but still want to treat IAGs in the late season with the mother cows after the calves have been removed. The USDA Wildland Fire Mitigation and Management Commission recommended using existing authorities and developing new authorities to do targeted grazing on IAGs.

Even during a drought, on allotments with rotational grazing there could be pastures that have excess fine fuels, these pasture could benefit from additional forage removal, benefiting PHMA by preventing and controlling wildfire. The USDA Wildland Fire Mitigation and Management Commission (USDA WFMMC) recommended revamping the process for temporary non-renewable grazing permits to help address the buildup of fine fuels on the landscape.

Along with giving ranchers the flexibility to manage their livestock well the BLM should position themselves to implement the USDA WFMMC recommendations at such time as Congress acts on the report.

It is imperative that the Final RMPA and EIS recognize and incorporate the benefits of properly managed livestock grazing. Any decision to reduce livestock grazing for the benefit of GRSG habitat at the RMP level is unjustified. Changes to livestock grazing management should only be made at the allotment level based on site-specific, quantitative resource data.

Drought Response

Rangelands in the arid west tend to have dry years, ranchers have been dealing with that for a long time, as evident from the amount of permits meeting Land health standards, ranchers are fairly good at it. Formalizing a process for drought management will create a process point for litigation, much like observed around timber sales, that will create a barrier to putting livestock on the landscape. There are already mechanisms in place to deal with permits that are not managed properly, so don't create additional places to litigate. Permittees need the ability to be flexible with grazing, not to be faced with automatic process barriers after reducing utilization to match forage production. The process to reauthorize grazing is not clearly defined, likely become a litigation magnet, take up capacity that the range program does not have to spare, and interfere with local, on-the-ground management that is ultimately what is needed to make the plan successful.

Oregon Grazing Removal from RNAs

There is no rational reason under the Federal Land Policy and Management Act ("FLPMA") to close certain areas to livestock grazing on a large land scale, particularly where proper grazing is compatible with the ecology of the local areas. We are further concerned that incorrect assumptions and speculation, rather than science, is being used to support these broad closures. Many RNAs have accommodated livestock grazing since their inception, which has been found to be compatible with GRSG conservation by reducing fuels, helping to control the spread of invasive species, and maintaining rangeland health. BLM should more explicitly recognize that livestock grazing practices complement Sage-Grouse conservation and may improve habitat by sustaining a diversity of plants that are important to Sage-Grouse and by reducing the risk of wildfire that destroys the habitat.

It has previously been stated that the RNA grazing removal is not at a scale to effect fire as a threat. Perhaps somewhat true viewed rangewide, but on a local level, this habitat will burn or it won't, the current well designed grazing will help prevent ignition (Kirk W Davies et al., 2010; Davies et al., 2016a, 2017; Orr et al., 2023) and in the case of ignition reduce mortality in the native bunchgrass community (Davies et al., 2018, 2016b, 2016a, 2009).

There is no need to cause hardship on permittees by reducing their permits. There are 800,000 acres of like habitat with no livestock on the Hart Sheldon Refuge Complex, and the Oregon Department of Fish and Wildlife has been tracking Sage Grouse populations on this landscape since well before livestock were removed from the refuge. Before, during, and after populations and habitat conditions have been tracked and recorded, on a landscape scale. This is meaningful for a landscape species like Sage Grouse, small patch livestock exclusions of a few thousand acres are not meaningful for a landscape species, penalize family ranches, and does something no other state did. This part should be dropped in its entirety.

Permit Relinquishment

Management Action RM-7 includes consideration of whether to offer voluntarily relinquished permits for re-authorization. Any decision to not make relinquished permits available to qualified permittees should require an RMP amendment to remove lands from availability for livestock grazing. Also, creating a mechanism to retire relinquished permits creates an incentive to litigate permits held by family operations, in an attempt to create willing sellers of permits through harassment and disruption of needed forage.

Wild Horse and Burro

Wild horse and Burro numbers are average 3.6 AML in the planning area. This results in unmanaged grazing 24/7/365. Livestock operators across the west work extremely hard to manage livestock in a manner designed to maintain and enhance the rangeland they occupy.
Yet they must watch the resource deteriorate because the BLM does not operate the WH&B program within its design. This is not the right message, the final ROD should include a commitment to maintain WH&B numbers at low AML.

Alternative 3

The draft states that Alternative 3 offers the most protection to Sage Grouse. This totally ignores one of the identified top three threats to Sage Grouse in the Great Basin. Wildfire, it is well documented that fine fuels drive fire behavior in the sagebrush rangelands. The removal of livestock from PHMAs will create a build up of fine fuels, resulting in more fire, and more habitat loss. Subject matter experts on climate change predict the wildfire issue to get worse before it gets better, (presentation to USDA WFMMC). This does not equate to an increase in Sage Grouse protection. Fine fuel management will be extremely important going forward, this deficiency in Alternative 3 needs to be acknowledged and certainly be left out of the final ROD.

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Respectfully Submitted on behalf of the Oregon Cattlemen's Association

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BLM Utah State Office
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440 West 200 South #500
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Dear Sage Grouse Plan Revision Team:

The Oregon Cattlemen's Association (OCA) is the trade organization established by Oregon's ranchers in 1913. OCA continues its mission to serve and advocate on behalf of Oregon's 13,000 ranchers disbursed across every Oregon county. OCA is respectfully offering comments on the BLM Draft Resource Management Plan and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning

Please enter the following into the record as substantive comment on the Greater Sage Grouse Land Use Plan Amendment March 2024

The draft EIS discusses habitat management in terms of the Habitat Management Framework (HAF).

Going forward it will be important to address the threats to the species, the big three threats in the Great Basin section of the range.

1) Conifer encroachment
2) Wildfire
3) Invasive annual grasses

We have made much progress on conifers, the other threats, wildfire and Invasive annual grasses (IAG) require ongoing management, livestock grazing is our primary landscape level tool, we can address the fine fuels that drive wildfire on the range, and we can use targeted grazing to move annual grass dominated systems back toward native bunch grass systems.

The following should be considered in context with grazing.

Moderate livestock grazing (e.g., grazing that balances the intensity, frequency, duration, and timing of grazing with variable vegetation/ forage resources) that supports the persistence of perennial bunchgrasses, has been shown to be compatible with sage-grouse population metrics (Boyd et al., 2014; Dettenmaier, 2018; Smith et al., 2018a, 2018b). Sage-grouse have been found to be generalists (Smith et al., 2020), exhibiting great flexibility when selecting habitat at the fine scale. This fine-scale vegetation, such as bunchgrass cover or shrub structure, does not influence nest success consistently and has weak effects on nest site selection according to a range-wide meta-analysis (Smith et al., 2020). Optimum sage-grouse habitat consists of large tracts of land encompassing diverse seasonal habitats (Knick and Connelly, 2011), including healthy tracts of sagebrush that include an herbaceous understory composed of large perennial grasses, perennial forbs, and insect food resources during the nesting season (Boyd et al., 2014; Crawford et al., 2004). Thus, management objectives for sage-grouse and grazing should focus on promoting vegetation conditions that promote resiliency to ecosystem-scale threats such as wildfire and resistance to exotic annual grasses rather than fine-scale vegetation metrics. Not only is livestock grazing the primary land-use in sage-grouse habitat, but it can also be employed strategically to improve or maintain rangeland condition by addressing these range-wide threats. Grazing can be used as a tool to reduce the risk of habitat loss from wildfire (Davies et al., 2010; Davies et al., 2015, 2022; Diamond et al., 2009; Orr et al., 2023; Thomas and Davies, 2023) and from invasive annual grasses (Davies et al., 2021a, 2021b; Schmelzer et al., 2014), or to improve habitat by increasing insect food resources (Goosey et al., 2019; Richardson et al., 2023). Properly managed livestock grazing allows for the maintenance of perennial bunchgrasses (Boyd et al., 2014; Miller et al., 1994), which are key to promoting ecosystem resilience of sagebrush rangelands (Johnson et al., 2022) and can provide visual obstruction for nesting sage-grouse (Hagen et al., 2007).

The final decision needs to be crafted so that the proper use of livestock as a tool is available on the landscape. Moderate levels of grazing leaves undershrub herbaceous vegetation in place (France et al., 2008).

Thresholds and Defined Responses

NEPA analysis that pre-loads authorization for the authorizing officer to reduce livestock levels could result in the loss of the ability to be impactful with grazing management. Successful ranchers have been flexible with their grazing for a long time, there is a need to have flexibility, but creating mechanisms to ratchet down permitted numbers disincentivizes progressive livestock management.

Thoughtful adaptive management requires careful review of the facts at hand and a carefully crafted response, creating canned responses during a permit renewal, turns

permit renewal into an adversarial process, and doesn't allow true adaptive management to happen, this should not be part of the final ROD.

During low moisture years a permittee may wish to bring pairs (cows with calves) off the permit early but still want to treat IAGs in the late season with the mother cows after the calves have been removed. The USDA Wildland Fire Mitigation and Management Commission recommended using existing authorities and developing new authorities to do targeted grazing on IAGs.

Even during a drought, on allotments with rotational grazing there could be pastures that have excess fine fuels, these pasture could benefit from additional forage removal, benefiting PHMA by preventing and controlling wildfire. The USDA Wildland Fire Mitigation and Management Commission (USDA WFMMC) recommended revamping the process for temporary non-renewable grazing permits to help address the buildup of fine fuels on the landscape.

Along with giving ranchers the flexibility to manage their livestock well the BLM should position themselves to implement the USDA WFMMC recommendations at such time as Congress acts on the report.

It is imperative that the Final RMPA and EIS recognize and incorporate the benefits of properly managed livestock grazing. Any decision to reduce livestock grazing for the benefit of GRSG habitat at the RMP level is unjustified. Changes to livestock grazing management should only be made at the allotment level based on site-specific, quantitative resource data.

Drought Response

Rangelands in the arid west tend to have dry years, ranchers have been dealing with that for a long time, as evident from the amount of permits meeting Land health standards, ranchers are fairly good at it. Formalizing a process for drought management will create a process point for litigation, much like observed around timber sales, that will create a barrier to putting livestock on the landscape. There are already mechanisms in place to deal with permits that are not managed properly, so don't create additional places to litigate. Permittees need the ability to be flexible with grazing, not to be faced with automatic process barriers after reducing utilization to match forage production. The process to reauthorize grazing is not clearly defined, likely become a litigation magnet, take up capacity that the range program does not have to spare, and interfere with local, on-the-ground management that is ultimately what is needed to make the plan successful.

Oregon Grazing Removal from RNAs

There is no rational reason under the Federal Land Policy and Management Act ("FLPMA") to close certain areas to livestock grazing on a large land scale, particularly where proper grazing is compatible with the ecology of the local areas. We are further concerned that incorrect assumptions and speculation, rather than science, is being used to support these broad closures. Many RNAs have accommodated livestock grazing since their inception, which has been found to be compatible with GRSG conservation by reducing fuels, helping to control the spread of invasive species, and maintaining rangeland health. BLM should more explicitly recognize that livestock grazing practices complement Sage-Grouse conservation and may improve habitat by sustaining a diversity of plants that are important to Sage-Grouse and by reducing the risk of wildfire that destroys the habitat.

It has previously been stated that the RNA grazing removal is not at a scale to effect fire as a threat. Perhaps somewhat true viewed rangewide, but on a local level, this habitat will burn or it won't, the current well designed grazing will help prevent ignition (Kirk W Davies et al., 2010; Davies et al., 2016a, 2017; Orr et al., 2023) and in the case of ignition reduce mortality in the native bunchgrass community (Davies et al., 2018, 2016b, 2016a, 2009).

There is no need to cause hardship on permittees by reducing their permits. There are 800,000 acres of like habitat with no livestock on the Hart Sheldon Refuge Complex, and the Oregon Department of Fish and Wildlife has been tracking Sage Grouse populations on this landscape since well before livestock were removed from the refuge. Before, during, and after populations and habitat conditions have been tracked and recorded, on a landscape scale. This is meaningful for a landscape species like Sage Grouse, small patch livestock exclusions of a few thousand acres are not meaningful for a landscape species, penalize family ranches, and does something no other state did. This part should be dropped in its entirety.

Permit Relinquishment

Management Action RM-7 includes consideration of whether to offer voluntarily relinquished permits for re-authorization. Any decision to not make relinquished permits available to qualified permittees should require an RMP amendment to remove lands from availability for livestock grazing. Also, creating a mechanism to retire relinquished permits creates an incentive to litigate permits held by family operations, in an attempt to create willing sellers of permits through harassment and disruption of needed forage.

Wild Horse and Burro

Wild horse and Burro numbers are average 3.6 AML in the planning area. This results in unmanaged grazing 24/7/365. Livestock operators across the west work extremely hard to manage livestock in a manner designed to maintain and enhance the rangeland they occupy.
Yet they must watch the resource deteriorate because the BLM does not operate the WH&B program within its design. This is not the right message, the final ROD should include a commitment to maintain WH&B numbers at low AML.

Alternative 3

The draft states that Alternative 3 offers the most protection to Sage Grouse. This totally ignores one of the identified top three threats to Sage Grouse in the Great Basin. Wildfire, it is well documented that fine fuels drive fire behavior in the sagebrush rangelands. The removal of livestock from PHMAs will create a build up of fine fuels, resulting in more fire, and more habitat loss. Subject matter experts on climate change predict the wildfire issue to get worse before it gets better, (presentation to USDA WFMMC). This does not equate to an increase in Sage Grouse protection. Fine fuel management will be extremely important going forward, this deficiency in Alternative 3 needs to be acknowledged and certainly be left out of the final ROD.

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Respectfully Submitted on behalf of the Oregon Cattlemen's Association

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June 13, 2024 ***Via:*** https://eplanning.blm.gov/eplanning-ui/project/2016719/510

Tracy Stone-Manning, Director
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1849 C. St. NW
Washington, D.C. 20240

RE: Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning

Dear Director Stone-Manning:

The Lower Wind River Conservation District (LWRCD) appreciates the opportunity to comment on the Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning. The LWRCD encompasses over 1.9 million acres of private, state and federally managed lands within the northeast and central portions of Fremont County, Wyoming. 40% of that land is managed by the Bureau of Land Management (BLM), most of which is primarily utilized by our citizens for agricultural purposes including grazing and trailing of cattle and sheep. There are also 44 sections with occupied Sage-Grouse leks within our district and the Greater South Pass Core Area encompasses a large area of the southern portion of our district. Proper multi-use management of these lands is not only imperative to our economy but also to our custom and culture.

As our mission states, "*The LWRCD is dedicated to local development and implementation of programs to provide leadership and technical assistance for the conservation of the District's natural resources, agricultural heritage and resource base through preventing soil erosion, protecting water quality and quantity, conserving and enhancing wildlife habitat, protecting the district tax base and promoting the health, safety and general welfare of the residents of the District*." As the local voice on conservation matters on behalf of the 22,000 citizens in the Lower Wind River Conservation District, we believe that changes made on BLM lands due in part to this planning effort could have lasting impacts on the citizens within our district.

The LWRCD incorporates and references the Wyoming Association of Conservation Districts (WACD) comments in their entirety, on the above-listed Draft. We also support other agencies' comments pertaining to this draft including but not limited to the State of Wyoming, Wyoming Department of Agriculture, Wyoming County Commissioners Association, and Public Lands

Council. Below are specific WACD comments that directly affect the lands within our district and align with our mission.

WACD COMMENTS Draft Environmental Impact Statement

1. The Association is strongly opposed to any alternative, decision, or management action in the Draft RMPA/EIS that diminishes BLM's multiple-use and sustainable yield mandate. It is very important for the final RMPA/EIS to allow flexibility at the local level to address the ever-changing local habitat conditions. Ultimately, the Record of Decisions (RODs) will be done on a state-by-state basis with Wyoming interests and concerns taken into consideration for what "fits" and is consistent with the Wyoming Core Area Strategy and allow for flexibility.

2. The Association applauds the BLM for acknowledging that predators may have negative impacts on GRSG and appreciates the addition of Table 2-11 Comparison Alternatives, Minimizing Threats from Predation. We affirm that the Wyoming Game and Fish Department is the primary agency responsible for managing all wildlife species in Wyoming not listed as threatened or endangered per the Endangered Species Act. As a result, we are appreciative of the Draft RMAP/EIS focusing on the habitat and collaborating with appropriate state agencies, other landowners, federal predator management agencies, and tribal governments in their efforts to minimize impacts from predators on GRSG where needed. We support applying minimization measures and best management practices to new authorizations and activities in Priority Habitat Management Areas and General Habitat Management Areas to minimize threats from predators shown to pose a threat to GRSG, consistent with applicable law.

3. Since the Wyoming Game and Fish Department (WGFD) is the primary agency responsible for managing all wildlife species in Wyoming not listed as threatened or endangered per the Endangered Species Act, accurate framing of what is being considered needs to be consistently stated throughout the document. The WGFD manages the GRSG and the BLM manages the habitat on BLM-managed lands. In every instance throughout the document, it should be stated as impacts to **GRSG habitat,** not impacts to **GRSG**. ALL instances of the inaccurate outcome statement need correcting. Statements made related to the habitat outcomes of the management actions as "provide conservation to GRSG" are also acceptable. One of many instances of inaccurate framing comes from page ES-6. The statement "The greatest protection for GRSG habitat is under Alternative 3…" accurately frames the intended outcome of this planning effort. In contrast, in the paragraph immediately following the correctly stated example it states "…would refine management for GRSG and associated habitats and improve cross-boundary coordination of shared populations compared with Alternatives 1 and 2, thus potentially improving management of GRSG across its range." Again, ALL instances of the inaccurate outcome statement need to be corrected.

4. We have vast amounts of mixed land ownership areas in Wyoming that increase the potential for impacts to neighboring private lands. The BLM RMPA has the potential to negatively impact the current use of neighboring lands. The Association supports private property rights and will not support any proposed decision or alternative that will negatively impact the current use of neighboring lands.

5. The Coates et al. 2016 paper titled "Landscape characteristics and livestock presence influence common ravens: relevance to greater sage-grouse conservation." states, "Grazing by livestock in

sagebrush ecosystems is common practice on most public lands, but associations between livestock and ravens are poorly understood." This is the only study, conducted in a limited area, that surveyed and then modeled the correlation between livestock presence and raven presence. Other factors associated with agriculture operations and factors not associated with livestock and/or agriculture operations were not isolated and may also have positive influences on GRSG. This one study in a limited area is not enough evidence to justifiably state on page 243, "Anthropogenic factors that contribute to greater raven occurrence include livestock presence…" More studies across the GRSG range need to be conducted before making a definitive statement about greater raven occurrence simply from livestock presence.

6. Proper livestock grazing and ranching operations are shown to have beneficial impacts on GRSG conservation, both scientifically and antidotally. The Association supports livestock and proper grazing as a tool for the sound management of private, state, and federal lands. Some examples of beneficial impacts that need to be included and/or expanded in Chapter 4, Environmental Consequences include: grazing of fine fuels reduces the risk of wildfires, sustainable ranches that are not subdivided and developed maintain unfragmented habitats, livestock grazing promotes increased arthropod availability for food, and how water developed for livestock can be beneficial through proper design. The following paragraph is one example of an additional narrative representing a beneficial impact and should be included with other narratives developed for the final EIS.

7. The Association opposes the reduction of any livestock animal unit months (AUMs) on BLM as a result of management changes from the RMPA/EIS. AUM reductions would have a negative impact on our local economies and have the potential to be detrimental to our community custom and culture.

8. The Association does not support Alternative 1. This alternative does not align with current Wyoming management for GRSG conservation and the Wyoming Core Area Strategy. Therefore, we cannot support the designation of Sagebrush Focal Areas (SFA) with a recommendation to withdraw them from mineral location and entry under the Mining Law of 1872 and prioritization for various other activities related to vegetation treatments, livestock grazing, and wild horses and burros.

9. The Association is moderately supportive of Alternative 2, the No Action Alternative. The Association and many of our local member conservation districts worked diligently on this planning effort. We prefer the approach of the state planning effort to the range-wide planning effort RMPA/EIS with individual state decisions. and what is currently in the Wyoming RMPs. With a few updates based on new studies and including information on minimizing threats from predation, Alternative 2 could be a workable option.

10. The Association is strongly opposed to Alternative 3. This alternative is very restrictive and for all practical purposes does away with all multiple uses except for wildlife. All habitat management areas would be managed as Priority Habitat Management Areas (PHMA). All PHMA would be unavailable for livestock grazing, PHMA would be closed to new fluid mineral leasing, saleable minerals/mineral materials permits and nonenergy leasable minerals leasing (development associated with existing permits and leases would not be precluded), PHMA would be recommended for withdrawal from location and entry under the Mining Law of 1872, and. PHMA would also be right-of-way (ROW) exclusion areas. Additionally, we understand this alternative would designate 11,139,472 acres of ACECs specific to the management of GRSG;

the ACECs would include portions of PHMA and would have the same allowable uses (or restrictions) as the rest of PHMA. Alternative 3 would have decimating impacts to state and local economies, jobs, and the customs and culture of our rural communities. Far-reaching impacts to private lands, especially in areas of significant intermixed land ownerships. This alternative would cause harm to private landowners and nearly every person in Wyoming would have direct or indirect impacts as a result.

11. The Association does not support Alternative 4. We do not support the provision that all PHMA would have No Surface Occupancy (NSO) stipulations applied for new oil and gas leases.

12. Alternative 5, the Preferred Alternative, is preferred by the Association with changes addressed and identified in these comments. It works to balance public land uses with GRSG conservation, uses updated state GRSG management area boundaries, incorporates additional flexibilities, and provides for compensatory mitigation.

13. The Association does not support Alternative 6. We do not support the addition of any ACEC in this RMPA/EIS. There are very few details regarding what restrictions would be placed on the ACECs. Vague statements such as on page 43 state "ACEC boundaries would be the same as described for Alternative 3, but management would be less restrictive compared to Alternative 3, though generally more restrictive than the rest of Alternative 6 PHMA." do not provide the appropriate level of detail for analysis. The level of detail for each ACEC as required under 43 CFR § 1610.7-2(b) is not presented nor fully analyzed in the Draft RMPA/EIS. More detailed information is needed in the final RMPA/EIS.

14. The Association is opposed to the federal designation of any Wyoming ACECs in the RMPA. The Wyoming Core Area Strategy provides a sustainable strategy for balancing multiple-use opportunities in Wyoming while providing the foundation for GRSG conservation.

15. The Association believes that ACEC designations are not necessary in Wyoming to manage habitat for the conservation of GRSG. We believe the Wyoming Core Area Strategy, avoidance, minimization and compensatory mitigation, and sagebrush vegetation treatment protocols developed and implemented in addition to numerous other decisions with restrictions on the management of public lands have worked to minimize impacts to GRSG habitat. Further "protections" are unnecessary and would have detrimental impacts to the economy of our communities.

Thank you once again for the opportunity to provide comment on the BLM's Draft RMPA/EIS.

Sincerely,

Cathy Rosenthal
LWRCD District Manager

Cc. LWRCD Board of Supervisors
WACD

JRB, LLC

Salt Lake City, Utah

June 13, 2024

Pat Deibert
BLM National Sage-Grouse Conservation Coordinator
BLM Utah State Office
Attn: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84101

Re: Comments on the Bureau of Land Management's Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning

Dear Pat Deibert,

JRB, LLC submits the following comments on the Bureau of Land Management's Draft Resource Management Plan ("RMP") Amendment and Environmental Impact Statement ("DEIS") for Greater Sage Grouse protection. The BLM is in its third iteration of the RMP Amendments to protect Greater Sage Grouse and its habitat, and throughout each revision process there has been a lack of consistent direction that has led to uncertainty for livestock operators, natural resource developers, and the recreating public. JRB, along with all other ranchers, are hopeful that the BLM is coordinating with the state agencies and local governments and listening to public comments to ensure that this will be the last round of RMP Amendments on this issue. Wyoming, specifically, was one of the first states to adopt a state-wide conservation plan for Greater Sage Grouse in 2008 and has continued to refine the protection with the latest version being Wyoming Executive Order 2019-3. Utah has also developed a comprehensive Conservation Plan for Greater Sage Grouse that was finalized in January of 2019. The BLM should be working closely with the States and incorporating their longstanding practices that have been supported by the U.S. Fish and Wildlife Service.

JRB is a fifth generational ranching entity that grazes livestock on federal, state, and private lands in Wyoming and Utah. Due to the substantial amount of public lands in both these states (approximately 50%), JRB relies heavily on its federal grazing permits to run a successful ranching operation. JRB is a longstanding steward of the land and its resources, and manages its livestock grazing activities to ensure healthy vegetation conditions persist for both its livestock and other wildlife in the area. To do otherwise makes no environmental, agricultural, or economic sense to a long term, generational ranching operation. JRB also recognizes the importance of keeping Greater Sage Grouse off the threatened or endangered species list, especially considering the amount of Greater Sage Grouse habitat that is located on federal lands and more specifically on federal grazing allotments. But this cannot be at the expense of all other

uses of federal land nor at the expense of livestock grazing in particular when it has long been recognized by the State of Wyoming of grazing's *de minimis* impact on Greater Sage Grouse.

I. JRB SUPPORTS THE REMOVAL OF SAGE GROUSE FOCAL AREAS AND NO ADDITIONAL DESIGNATIONS OF AREAS OF CRITICAL ENVIRONMENTAL CONCERN

Under the Preferred Alternative 5, the BLM correctly removes the unnecessary additional layers of designations for Greater Sage Grouse habitat by removing Sagebrush Focal Areas ("SFA") and not proposing any new areas of critical environmental concern ("ACEC"). SFAs came about later in the 2015 RMP Amendment process and were identified as a subset of habitat described as "strongholds" that were necessary for the persistence of Greater Sage-Grouse habitat. However, many of the SFAs in Wyoming were areas identified and rejected as possible ACECs in previous planning efforts. The BLM previously concluded that the management in the RMPs were sufficient to protect the previously proposed ACECs and the areas did not qualify due to the lack of a threat of irreparable harm. There continues to be no information to support these so called "strongholds" nor any analysis showing that additional protection beyond that proposed for Greater Sage Grouse general habitat management areas ("GHMA") and priority habitat management areas ("PHMA") is necessary.

The only real difference in management direction for SFAs and PHMAs under the 2015 RMP Amendment was the direction to withdraw SFAs from mineral entry. The BLM already attempted once to step back the SFA designations from the 2015 RMP Amendment in 2017 by cancelling the proposed withdrawal from mineral entry of all SFAs based on the conclusion the withdrawal was not necessary to protect Greater Sage Grouse. 82 Fed. Reg. 47248 (Oct. 11, 2017). But Judge Winmill with the U.S. District Court for the District of Idaho vacated and remanded BLM's decision for further analysis on whether the SFA withdrawal is needed for sage grouse conservation. *W. Watersheds Proj. v. Bernhardt*, 519 F. Supp. 3d 763, 801, 803 (D. Idaho 2021). Judge Winmill focused on BLM's failure to provide a reasonable basis for its change in position between 2015 and 2017.

The BLM now has the opportunity to correct the failure in its analysis in this Proposed RMP Amendment and DEIS by ensuring to properly explain why SFAs and the associated proposed withdrawal are not necessary to conserve Greater Sage Grouse and its habitat. The BLM already imposes enough, and in some cases too many, restrictions on oil, gas, and mineral development within PHMA and GHMA that a withdrawal from mineral entry would have no additional benefit for Greater Sage Grouse. The BLM is, therefore, properly proposing under both Alternative 4 and Preferred Alternative 5 to not designate any SFAs and to not recommend any areas for withdrawal. *See* DEIS at p. 4-110.

In addition, JRB supports the BLM's proposal under Preferred Alternative 5 to not designate any new ACEC's for the protection of Greater Sage Grouse habitat. An ACEC is defined as "areas within the public lands where special management attention is required . . . to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards." 43 U.S.C. § 1702(a). To qualify, an area must be both relevant and important. 43 C.F.R.

§ 1610.7-2(a)(1) – (a)(2). There is nothing in the DEIS that shows any one specific Greater Sage-Grouse habitat across all the available habitat, is important – that is that any one area is unique or regionally or nationally significant. *See* BLM Manual 1613, Section 11.B.1.

An ACEC designation also requires an area to require "special management . . . to protect and prevent irreparable damage." 43 U.S.C. § 1702(a). The BLM acknowledges that "PHMA, IHMA, and GHMA allocations provided a comprehensive management framework, covering a diverse array of management actions and restrictions in Alternatives 1-6, effectively capturing GRSG habitat and most ACECs." DEIS at p. 4-120. There is no reason to include another layer of management for PHMA or GHMA by designating specific areas as ACECs. Greater Sage Grouse and its habitat are sufficiently protected by the proposed management actions in this RMP Amendment, as they were in the other previous two amendments.

JRB continues to vehemently object to the unnecessary special land designations or the layering of these designations when it substantially impedes multiple uses on federal lands, especially when other management direction sufficiently protects the resource of concern while continuing to allow for grazing, natural resource extraction, and recreation. The BLM must manage public lands in "a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations." 43 U.S.C. § 1702(c). Additional ACEC designations or identification of SFAs that may be withdrawn from mineral entry will significantly impact other multiple uses of public lands and, as a result, cause severe economic impact to those local economies that heavily rely upon the public lands.

II. PROPOSED MANAGEMENT ACTIONS IMPACTING LIVESTOCK GRAZING

JRB, like other ranchers in states comprised of substantial acres of public land, are required to heavily depend on access to public lands and the ability to have their livestock graze on the public lands. As such, we try to be good stewards and carefully manage our grazing operations on federal, state, and private lands. There is no benefit to abusing the grazing resource and impairing the habitat. So, it comes as no surprise to us that the BLM was only able to identify about 10% of federal grazing allotments, "with at least 15% PHMA," that are not meeting the Land Health Standards due to grazing. DEIS at Vol. 3, p. 9-4. And of this percentage, over 9% are already taking appropriate action to ensure "significant progress" towards meeting the Land Health Standards. *Id.* Based on these types of numbers, it is clear why the State of Wyoming has concluded that livestock grazing, trailing, and other animal husbandry has a *di minimos* impact on Greater Sage Grouse habitat and requires no specific restrictions to protect Greater Sage Grouse. Wyoming Executive Order 2019-3, Appendix G at 1-2; *see also* Utah Conservation Plan for Greater Sage-Grouse, at p. (Jan. 2019) ("Grazing that follows best-management practices can improve habitat quality and seasonal nutrition, and thereby enhance local sage-grouse populations."). Properly managed livestock grazing is compatible and even beneficial to Greater Sage Grouse habitat. *See* Conway, C. J., C.A. Tisdale, K. Launchbaugh, D. Musil, P. Makela, and S. Roberts, *The Grouse & Grazing Project: Effects of cattle grazing on sage grouse demographic traits – Annual Reports*, College of Natural Resources, University of Idaho, *available at* https://idahogrousegrazing.org/.

The BLM acknowledges the benefits that livestock grazing can have on improving Greater Sage Grouse habitat and helping to maintain the species persistence. DEIS at pp. 2-103, 4-7 – 4-8. However, despite this recognition the BLM focuses on the negative impacts of livestock grazing throughout the impact analysis in the DEIS. *See* DEIS at p. 2-103 ("Impacts from *improper* grazing associated with not meeting Land Health Standards are analyzed in Chapter 4." (emphasis added)). The BLM must not focus only on the very limited amounts of *improper* grazing – "defined as grazing at an intensity or in ways that impair ecosystem functions of the sagebrush ecosystem" (*id.*) – on public lands. It must also recognize and properly discuss the benefits of continued livestock grazing under each of the proposed Alternatives within the impact analysis section.

> Well managed livestock grazing may change plant community composition, increase productivity of selected species, increase forage quality, and alter structure to increase habitat diversity (Vavra 2005), and can positively effect GRSG habitat suitability (Manier et al. 2013). Many studies demonstrate weeds can be controlled through grazing at a specific time, intensity, and duration to reduce abundance of these species. Under controlled situations, where livestock is used as a targeted vegetation treatment tool, livestock can reduce fine fuel loads (e.g., cheatgrass) (Diamond et al. 2009). Cheatgrass completes its reproductive cycle, using limited soil moisture and nutrients, well before most native perennial grasses and is usually dry by mid-summer, which coincides with increased wildfire danger (Pellant 1996). Intense "flash" grazing during the winter or early-late spring, while it is still green, may control cheatgrass. . . . Sheep and goats (if permitted) can be used to control noxious weeds such as leafy spurge, spotted knapweed, and yellow star thistle.

Id. at 4-8. The BLM should focus on these benefits because "well managed livestock grazing" is more often to occur on public lands versus the limited amount of "improper" grazing that results in habitat degradation.

In addition to the above, JRB has the following comments related to specific proposed management direction related to the Preferred Alternative 5:

1. Management Action RM-1: "During grazing authorization renewals, Allotment Management Plan development, or other appropriate implementation-level planning, consider adjustment to active AUMs, timing, intensity, duration, and frequency of grazing are completed at the allotment scale based on site-specific conditions to meet or make progress towards meeting Land Health Standards for special status species." DEIS at p. 2-105; *see also id.* at p. 15-2. The BLM cannot make any adjustments to AUMs, timing, intensity, etc. of grazing unless it is determined that livestock grazing is a significant casual factor for an allotment not meeting the Land Health Standards and any additional special status species standards. 43 C.F.R. § 4180.2(c)(1). The Management Action must be amended to reflect the requirement that a determination that grazing is the significant cause is

required before any adjustments are considered or made.

2. Management Action RM-4: "During the grazing authorization renewal process, evaluate all existing livestock management range improvements with respect to their effect on GRSG and GRSG habitat. Consider removal or modification of projects that negatively affect GRSG or GRSG habitat." DEIS at p. 2-109. Many of the range improvements on public lands have been in place for decades and more often than not have actually benefited other wildlife. JRB is concerned that this management action will lead to unnecessary modifications or removal of range improvements at the expense of permittees. What types of modification could be expected and who will have to bear the cost? The State of Wyoming, who manages the Greater Sage Grouse through its Game and Fish Department, has long considered that livestock grazing and the associated range improvements have a *de minimis* impact on Greater Sage Grouse and its habitat. Wyoming Executive Order 2019-3, Appendix G at 1. JRB objects to this Management Action and any removal of longstanding range improvements on the public lands.

3. Management Action RM-5: "Design new range improvement projects . . . to enhance livestock distribution or management and to control the duration, timing and intensity of utilization, including application of new technologies such as virtual fencing." DEIS at p. 2-110. It is not necessary to mention virtual fencing specifically in this Management Action. And while virtual fencing may work in some cases, for most allotments it is impracticable and far too expensive to install, unless the BLM is offering to cover the cost of this fencing.

4. Management Action RM-6: "Identify fences in high-risk areas – especially within 1.2 miles of an active lek . . . – or other areas identified as important seasonable habitats or areas of GRSG concentration . . . in coordination with the state wildlife agency. Evaluate if the fence is needed and/or up to BLM standards. . . If the fence is unnecessary, remove it. If the fence is needed to support management, mark fences . . . in high risk or important areas . . ." DEIS at p. 2-111. The BLM needs to include language in this Management Action about coordinating with the permittee(s) on the allotment about the necessity of any allotment boundary fence or pasture fence. The permittee is the one with the best knowledge about whether a particular fence is necessary and important to the grazing operations. In addition, with federal agencies issuing non-compliance or violation notices for livestock grazing in the wrong pasture and/or outside the allotment boundaries, JRB cannot imagine a situation where a fence is no longer necessary. If the result will be additional difficulties in managing livestock on federal lands, then no

fences should be removed.

5. Management Action RM-7: "At the time a permittee or lessee voluntarily relinquishes grazing preference and the associated authorization, the BLM will consider whether to offer the permit for re-authorization to other grazing applicants or if the public lands where that permitted use was authorized shall be used for other resource management objectives. . . . When a permittee or lessee voluntarily relinquishes grazing preference and associated grazing authorization, consider conversion of the allotment to a reserve common allotment that will remain available for use on a temporary, nonrenewable basis for the benefit of GRSG habitat." DEIS at p. 2-112. JRB objects to the closure of any federal grazing allotment just because one permittee voluntarily relinquishes his grazing preference. If voluntary waivers and closures are utilized, this will kill the domestic sheep industry. Historical experience also shows that converting an allotment to a reserve common allotment has the same effect as vacating or closing the allotment. The allotments will rarely be open to grazing in the future and if temporary grazing is allowed, it normally is such an insignificant amount of time to have no benefit.

6. Appendix 15 – Livestock Management Best Management Practices: "Avoid disturbing lekking and roosting GRSG from human, guard animal, and sheep activities by trailing, overnighting, watering, and bedding sheep on public lands at least 0.6 miles from occupied leks (dates of lek activity determined locally, approximately March 15–May 1 in lower elevations and March 25–May 15 in higher elevations)." JRB objects to this best management practice as it is inconsistent with Wyoming Executive Order 2019-3, which recognizes that herding and trailing have a *de minimis* impact on Greater Sage Grouse and its habitat. The BLM even acknowledge that "[l]ivestock have also been observed to not impact nest success of GRSG at current grazing levels." DEIS at p. 3-32. JRB requests this best management practice be removed.

7. Disturbance Cap: In PHMA, the Preferred Alternative 5 would implement a 5% disturbance cap as the project scale or 3% at the Habitat Assessment Framework Fine Scale habitat selection area. DEIS at p. 2-29. The DEIS states that "fencing or range improvements" are not included when calculating the cap. *Id.* at p. 2-31. However, it also states that the disturbance cap calculation is limited to roads and other vertical infrastructure like pipelines, among others. *Id.* at p. 2-30. It is unclear whether a range improvement, like a water well or water pipeline would be subject to the disturbance cap. Can the BLM provide clarification as to whether all range improvements are excluded from the calculation? JRB supports excluding all range improvements and this would also be consistent with the State of Wyoming exclusion of grazing operations from its disturbance calculation under Wyoming Executive Order 2019-3.

8. Adaptive Management Responses: When an adaptive management threshold is met, then the BLM, in coordination with the state wildlife agency, experts, and

affected parties, will conduct a causal factor analysis ("CFA") to help inform the response. DEIS at pp. 2-124 – 2-125. "If the CFA identifies the cause for habitat or population declines BLM will modify any permitted activity identified as a causal factor to meeting a threshold, as legally allowable, on BLM lands in coordination with the permit holder." *Id.* at p. 2-126. "If grazing is a contributing cause to an adaptive management threshold, the terms and conditions of the grazing permit or lease will need to be examined and based on the outcome, would need to appropriately be modified to reduce or eliminate the impact." The BLM must revise these sentences to acknowledge that only those "significant causal factor(s)" that cause a threshold to be met will require permit modification. This is consistent with the application of the Land Health Standards and recognition that a grazing permit cannot be amended without a determination that it is a significant casual factor to not meeting the Land Health Standards.

III. LAND HEALTH STANDARDS AND THE PROPOSED HABITAT ASSESSMENT FRAMEWORK

JRB, and other ranchers, have long been required to comply with the Land Health Standards when grazing on public lands. 43 C.F.R. §§ 4180.1 – 4180.2. These include the state or regional standards that are developed by the BLM or the standards identified in the regulations when no state or regional standard has been developed. *See* 43 C.F.R. § 4180.2(b), (f). The fallback standard for special status species is the promotion of the species "by the restoration and maintenance of their habitats" and the overall maintenance of "healthy, productive and diverse populations of native species." 43 C.F.R. § 4180.2(f)(1)(iv), (2)(viii). The regulations also require that any state or regional standards must address habitat for special status species and restore, maintain, or enhance their habitats. 43 C.F.R. § 4180.2(e)(9).

So while the regulations allow for the BLM to develop state or regional standards to address special status species, JRB is concerned about the standards identified in the DEIS's proposed Habitat Assessment Framework ("HAF") for all Greater Sage Grouse habitat. The seasonal habitat indicators and benchmarks in Appendix 8 have been criticized throughout the years by many as being unsupported by credible scientific data or as being based on such small site-scale sample sizes that they cannot be applied across the entire range of Greater Sage Grouse habitat. The BLM even recognizes that "[n]ot all areas within a given habitat management area will be capable of meeting the identified seasonal habitat values in the Habitat Indicators Table due to inherent variation in vegetation communities and ecological potential." *Id.* at p. 8-1. It is not entirely clear how HAF will be applied if the BLM already recognizes that the values in the HAF Tables cannot always be met. In addition, the BLM has continued to adjust the Tables through the last two RMP Amendments, and now during this revision process, but continues to cite almost all the same scientific literature. Can the BLM explain how the sagebrush cover percentages and height requirements have changed over the years?

The additional explanation in Appendix 8 describing how HAF will be applied does provide some assurances that it will not be misused by local BLM Field Offices. JRB specifically appreciates the inclusion of a list of inappropriate uses of HAF in Appendix 8. *See* DEIS at p. 8-22. However, it would be more appropriate to include some of this discussion/information within

the specific Management Actions. For example, Management Action RM-2 should make it clear that (1) a single indicator from the HAF Tables 8-1.A-G cannot be the basis for modifying a grazing permit; and (2) adjustments to grazing use are inappropriate without adequate monitoring data. *See id.* It currently only states that when standards identified in the HAF Tables are not met, based on a site-scale HAF assessment, and livestock grazing is a significant casual factor, "adjustments to livestock grazing practices and activities" will occur. *Id.* at p. 2-106.

In addition, the Management Objectives and Actions must make it clear that the HAF Tables and values provide only a reference point, but additional site-specific data and information must be assessed before any action occurs. More specifically, the BLM must make a determination that the site-specific location is actually capable of meeting the benchmarks in the HAF Tables before restricting any permit or initiating specific site-specific actions in Greater Sage Grouse Habitat areas for failure to meet the specific standards. *See id.* at p. 2-27 (Management Action SSS [Y2] states: "Maintain, improve, or restore the suitability of GRSG seasonal habitats using the Habitat Indicators Table (see Appendix 8) to *inform* measurable project objectives during implementation-level planning for BLM-permitted and BLM-initiated site-specific actions in HMAs." (emphasis added)). The experience of many permittees when it comes to specific percentages and vegetative height requirements is that if any one indicator is not met, then a grazing allotment will be out of compliance and action taken. That is the largest danger with the HAF Tables in Appendix 8.

IV. CONCLUSION

JRB has followed the Greater Sage Grouse RMP Amendments throughout the past decade and strongly urges the BLM to make this the final revision. The constant revisions and change in management directions throughout the years has been difficult to deal with and provides uncertainty for livestock operators, natural resource developers, and the recreating public. And while the BLM cannot control how all respective interested parties will respond to the Proposed RMP Amendment, it can fulfill its obligations to coordinate with the State agencies that are responsible for the management of wildlife and adopt the efforts they already have in place to protect Greater Sage Grouse; and to consider the comments of the public, specifically those that will be impacted by the Proposed RMP Amendments, and make adjustments to the Preferred Alternative 5 as appropriate. We think that all parties would agree that we need to avoid the listing of Greater Sage Grouse because it would surely wipe out many multiple uses across millions of acres of public lands if it happened, but there is also a balance to be made between protecting Greater Sage Grouse habitat and recognizing the rights of existing users of the public lands.

As a rancher, JRB lives and dies by healthy habitat, adequate water, extreme weather conditions, and market conditions we have no control over. We try to be good stewards and carefully manage our grazing on federal, state or private lands. There is no benefit, profit or gain by abusing a grazing resource, thereby impairing the habitat. JRB has long believed, and it is supported by our grazing operations, that grazing is compatible with and beneficial to wildlife habitat objectives, including Greater Sage Grouse habitat. JRB remains committed to working cooperatively with the BLM, Forest Service, and respective State agencies to ensure a healthy rangeland for both livestock and wildlife.

Sincerely,

JRB, LLC

by: Vance S. Broadbent, Manager
P.O. Box 58627
Salt Lake City, Utah
jrb_llc@hotmail.com

June 12, 2024

Public Comment
Re: DOI-BLM-WO-2300-2022-0001-RMP-EIS
Email: BLM_HQ_GRSG_Planning@blm.gov

Dear BLM,

Thank you for undertaking this historic effort to protect critical public lands wildlife habitat for the iconic sage grouse and providing an opportunity for the public to comment in support of the necessary updates to the greater sage-grouse habitat management plans. We believe the enhancement of sage-grouse habitat management plans will provide an opportunity to incorporate locally relevant decisions that are in accord with the Bureau of Land Management's (BLM) range-wide habitat conservation goals.

Upper Missouri Waterkeeper (Waterkeeper) is a grassroots, nonprofit whose mission is to protect fishable, swimmable, drinkable water throughout the 25,000 square miles of Montana's Upper Missouri River Basin. Established over ten years ago, Waterkeeper uses a combination of strong science, community action, and legal expertise to defend the Upper Missouri River, its tributaries, and communities against threats to clean water and healthy rivers.

Protecting the bird and its habitat is critical to the survival of the species as well as the 350-plus other species, including elk, mule deer, and pronghorn, that call the sagebrush sea home. As Montana's only advocacy organization focused exclusively on protecting and improving the health of Montana's Upper Missouri River Basin, Waterkeeper strongly supports enhanced habitat protections proposed in the draft Environmental Impact Statement (EIS) to ensure critical watersheds and riparian areas vital to Southwest Montana's rivers, waterways, and community drinking water supplies are also protected. Defend the bird, defend the herd, and, in this case, vital and finite water resources, as well.

The sharp decline of the greater sage-grouse due to habitat loss exacerbated by climate change impacts – drought, wildfires, and the spread of invasive species – is a bellwether warning for other species and our Western ecosystems, including aquatic species, that necessitate the additional action proposed in the draft EIS by the BLM. Further, the Upper Missouri River Basin's historical, cultural, and current land use practices along with the BLM's own fluid mineral viability assessment is inconsistent with the area's existing and outdated Resource Management Plan. Approving enhanced greater sage-grouse protections can rectify existing inconsistencies and conflicts supported by the community that currently prioritize fluid mineral leasing and industrial oil and gas development over all other uses, despite the BLM's multiple-use mandate and the bureau's own stated priority '*to ensure that [the federal oil and gas program] serves the public interest and restores balance on America's public lands and waters.*'

Upper Missouri Waterkeeper urges and supports the BLM's efforts to rectify these inconsistencies and to finally end the existential threat of industrial oil and gas leasing and development by advancing robust sage-grouse habitat protections proposed in the draft EIS. Once an area is leased for oil and gas, the threat of exploratory industrial oil and gas hydraulic fracking development remains and the public lands are, in essence, managed solely for oil and gas development in perpetuity.

Overview:
Southwest Montana is defined by world-renowned river valleys, wilderness, forests, public lands, range land, wildlife, and clean water. Across the federal public lands within the Big Hole, Beaverhead, and Centennial Valleys, oil and gas companies can lease and potentially develop some 86% of those public lands as allowed by the area's outdated Resource Management Plan, despite BLM's own and independent analysis finding little to no economically recoverable fluid mineral resources. Industrial oil and gas leasing and development would undermine hunting and angling in Beaverhead County, which generates more than $167 million each year for the regional economy and was responsible for the creation of over 1,400 jobs, accounting for over 12% of the county's entire workforce. Beaverhead County is also home to nearly 500 family farms and ranching businesses, generating some $147 million in gross revenue and $31 million in realized farm income according to the latest statistics provided by the U.S. Department of Agriculture. Oil and gas leasing and development is a direct threat to the public, businesses, public lands, wildlife, water resources, and our way of life. It would be inconsistent with the BLM's multiple-use mandate to '*utilize the land in a balanced combination that will best meet the needs of the people for current and future generations.*'

Industrial oil and gas leasing and development is not an abstract threat to Southwest Montana, its people, businesses, and its historic, cultural, and current uses. Despite never successfully drilling an oil and gas well in the region, oil and gas corporations nominated leases in both the Big Hole and Beaverhead watersheds as recently as 2018, only to be deferred after an outpouring of public opposition and known existing deficiencies identified by the BLM within the existing outdated RMP. Even exploratory hydraulic oil and gas fracking, as was proposed in the Tendoy region, would produce thousands of gallons of toxic and contaminated wastewater, which would threaten not only critical sage-grouse habitat but also potentially the entire region's water resources.

This region is subject to several pending and existing wildlife and habitat conservation initiatives that would be bolstered by enhanced sage-grouse habitat protections, yet the continued threat and real possibility of oil and gas leasing and development would undermine such existing and proposed conservation efforts. In 2023, the BLM announced that 6.5 million acres, including 938,000 public lands managed by the BLM, would receive nearly $10 million in federal financial support for restoration work in the Missouri Headwaters Priority Restoration Landscape. The U.S. Fish and Wildlife Services proposed the overlapping 5.7 million acre Missouri Headwaters Conservation Area the same year. And, the Department of Interior established the Sagebrush Keystone Initiative earlier this year, identifying five Sagebrush Collaborative Restoration Landscapes across the sagebrush ecosystem for long-term strategic investments to defend and grow sagebrush core habitat, one of which includes Southwest Montana. The Sagebrush Collaborative Restoration Landscape in Southwest Montana overlaps with both the Missouri Headwaters Priority Restoration Landscape and the Missouri Headwaters Conservation Area. Unless

additional protections are advanced in this region, the progress made to restore it, years of collaborative work, and millions of dollars in taxpayer resources will be wasted.

Further, this area's unique ecosystem – home to grizzly bears, westslope cutthroat, Arctic grayling, pronghorn, greater sage-grouse and whitebark pine – would be undermined without addressing the oil and gas industry's unchecked ability to lease public lands. Sagebrush grasslands anchor ecological systems and multi-generational family ranches intermixed with public land that supports vital recreational and rural economies. Investments in restoration and protections for wildlife and sage-grouse habitat today will ensure the region avoids a threatened or engaged species listing for the sage grouse, and help support other threatened species, like the Arctic Grayling. In addition, enhanced protections would support wildlife, people, businesses, and communities alike into the future. A penny of prevention can create a pound of cure for avoiding a potentially threatened or endangered species listing for the sage grouse, which could have greater impacts on the area's traditional economies that define the region, including agriculture, ranching, and recreational uses.

Recommendations:
Therefore, it is with the utmost urgency and understanding that Waterkeeper recommends the BLM advance two pathways for prohibiting oil and gas leasing throughout the Upper Missouri Watershed to address and rectify long-standing concerns from local stakeholders.

First, the BLM should advance Alternative 3 as proposed in the Draft EIS for the management of greater sage-grouse habitat. In addition and consistent with the direction of the draft EIS, BLM should also close all non-grouse habitat in the region to oil and gas leasing and development. As suggested by the BLM in specific management alternatives, oil and gas leasing and development in areas outside of sage-grouse habitat management areas will indirectly impact habitat within the identified sage-grouse habitat management areas. By ending the threat of oil and gas leasing as suggested in Alternative 3 with specific management alternatives for all non-grouse habitat, the BLM will help advance and protect other landscape conservation initiatives as well as save time, taxpayer resources, and other important current, cultural, and historical resource values.

Second, if the BLM is unwilling and chooses not to permanently protect the region despite wide-spread community support for ending the threat of oil and gas leasing and development because it may not be consistent with the existing outdated RMP, the Bureau should still advance Alternative 3 and defer all oil and gas leasing on non-grouse habitat in the Upper Missouri Watershed. The BLM has advanced similar protections in other public land use plans as a means to resolve conflicts between oil and gas leasing and other important resource values in the past. For example, in 2021, the BLM noted that the Resource Management Plan covering the Missoula area had not received interest in fluid leasable minerals for nearly three decades, therefore the Bureau chose not to further analyze oil and gas leasing in the EIS, deferring leasing until it receives an expression of interest. A similar approach was used on Colorado's White River RMP through an oil and gas amendment in 2015. The BLM found areas outside of sage-grouse habitat either had low potential for recoverable oil and gas development or were adjacent to other valued resources that would be deteriorated, deeming oil and gas leasing and development not appropriate given those considerations. The Upper Missouri Watershed and its landscape, wildlife, people,

businesses, and communities deserve similar and enhanced public land protections due to the importance of the region.

In conclusion, the BLM should give its highest consideration to advancing the necessary greater sage-grouse habitat protections proposed in the draft EIS for Southwest Montana and across the Upper Missouri Watershed. Specifically, Upper Missouri Waterkeeper supports Alternative 3 and the permanent withdrawal of the fluid mineral leasing and development that puts the entire region's water resources, wildlife, and way of life at risk. The Montana/Dakota and Dillon area BLM received an outpouring of community support to amend the outdated and inconsistent Dillon RMP in 202l to permanently end oil and gas leasing and development, which should only reinforce and support BLM's advancement of the strongest greater sage-grouse habitat protections to end uneconomical and fluid mineral resource deficient oil and gas leasing in Southwest Montana.

Sincerely,

Guy Alsentzer
Upper Missouri Waterkeeper

IDAHO MINING ASSOCIATION

P.O. Box 1660 • Boise, ID 83701
208.342.0031 • mineidaho.com

June 13, 2024

Submitted via BLM Website: BLM_HQ_GRSG_Planning@blm.gov

Attn: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84101

To whom it may concern:

The Idaho Mining Association (IMA) appreciates the opportunity to provide the following comments on the Greater Sage Grouse (GRSG) Draft Resource Management Plan Amendment and Draft Environmental Impact Statement (DEIS).

IMA is a non-profit, non-partisan, state-wide trade association located in Boise, Idaho. IMA is the recognized voice in support of exploration and mining in the state of Idaho. Our purpose is to advocate for a sustainable mining industry that benefits our state and local communities, while advancing the mineral resource and mining related interests of our members. We represent and inform our membership on legislative, regulatory, safety, technical, and environmental issues that surround the mining industry. We are committed to the protection of human health, the natural environment, and a prosperous mining industry.

Since 1903, IMA has represented miners and mining companies engaged in mineral exploration, mineral developments, and land reclamation throughout the state of Idaho. Our membership also consists of companies and industries that provide services to the mining industry within the state. IMA and its members are dedicated to responsible and sustainable mineral withdrawal in Idaho and our member companies continue to utilize and explore more innovative and science based methods to extract minerals needed for everyday life while protecting and preserving the environment in Idaho for future generations.

IMA and its member companies are committed to protecting GRSG in Idaho commensurate with the industry's impact on the species. As is well documented, the decline in GRSG throughout the region are due to many causes, however

mining's impact to the species and its habitat is very minimal. In fact, most mining occurs outside areas designated as habitat management areas by BLM and other agencies. Therefore, IMA opposes any final RMP that would prohibit mining within any HMAs or which would impose technologically or economically infeasible requirements on mining operations.

Unfortunately, mining projects on federal lands are often the target of litigation by third parties and plans such as the GRSG RMP are often used as an excuse to challenge projects. Therefore, any RMP needs to be clear in its scope and what if any obligations a mining project must follow to be consistent with any final RMP to avoid or minimize further litigation.

The following comments highlight IMA's concerns.

Scope of DEIS

The final RMP needs to make clear that it only applies to federal land. The RMP should not apply to private property. Such an application would unlawfully exceed BLM's authority. Also the RMP needs to make clear that it only applies to designated habitat management areas (HMAs). Any impacts to GRSG outside HMAs on federal land should be addressed by other federally developed land management plans. Finally, it is implied in the DEIS that that the final RMP may address indirect effects to GRSG. If that was the intent, it is not defensible. While specific federal actions evaluated under NEPA could include an analysis of indirect effects, it is beyond the scope of the DEIS to suggest that the requirements under the final RMP apply to indirect effects to GRSG on private property or state and federal lands that have not been designated HMAs.

Areas of Critical Environmental Concern (ACECs) and Sagebrush Focal Areas (SFAs)

The IMA is strongly opposed to the designation of over 69,199,00 acres of Priority Habitat Management Areas (PHMAs), including 11 million acres of ACECs effectively closing the door to any new or expansion of existing non-energy mineral leasing under Alternatives 3 and 6. The DEIS does not provide justification that warrants the need to reconsider designation of ACEC's in the current process. This is especially relevant to Alternative 3, where all HMAs are proposed as PHMA and managed as ACEC. Further BLM does not provide adequate quantitative analysis of the economic impact of removing the possibility of mining within these areas. This flies in the face of a "hard look" required by NEPA.

IMA is strongly opposed to the designation of SFAs under Alternative 1 or the recommendation to withdraw SFA's from mineral location and entry under the Mining Law of 1872.

Habitat Designations

The states' development of key habitat maps in the very early stages of sage-grouse conservation has been carried forward into the DEIS and will cause continuing confusion in that courts may interpret key habitat areas as subject to BLM's HMA management decisions. Key habitat can include potential habitat or previous habitat that has burned. Key habitat can also be designated on areas that BLM has specifically excluded from HMAs such as Known Phosphate Lease Areas. The key habitat concept should be stricken from BLM's Final RMPA and FEIS to avoid this confusion. If it is retained, BLM should extensively explain that a key habitat designation does not authorize Field Offices to extend management decisions to key habitat.

All lease areas as well as Known Phosphate Lease Areas (KPLAs) must be removed from state and federal habitat designations as excluded from potential ACECs or SFAs.

Mitigation

The mitigation requirements generally address off-setting impacts to GRSG habitat. Any requirement in any of the alternatives which would impose a net conservation gain is not acceptable. Such a requirement is an invitation to litigation as to what may or may not be a gain. Also, we question if the science supports a consensus on what may be a net conservation benefit. IMA would generally support voluntary mitigation consideration within PHMA in the final RMP. We think mitigation should be a consideration in any federal authorization, but not a mandate and must be tailored to site-specific conditions and impacts, consistent with existing BLM policies.

The requirement in the DEIS that compensatory mitigation must be complete and effective before a project can go forward is simply unworkable and inconsistent with the definition of mitigation at 43 CFR 1508.20. Many mitigation options can take decades to complete and much longer to be determined persistent and effective. No mining operation can wait years or even decades to await completion of mitigation before commencing a project. The proposed solution in the RMP is that other mechanisms such as bonding is required if it is determined that mitigation may be necessary, but is not completed prior to the start of the project; however,

the bonding requirements for mitigation need to be revised to only require bonding for completion of a deigned mitigation project, with reasonable contingency, and not to bond for what-if scenarios. This is consistent with existing BLM policies and requirements. The DEIS suggests that bonding also include bonding for new projects if the mitigation is not successful. It is doubtful if such bonding for alternative mitigation projects could even be obtained in the marketplace.

Finally, the DEIS is unclear how the BLM will decide if mitigation is required according to impacts occurring on the surface ownership within and outside of their decision where the DEIS indicates that the BLM will rely on this document for specific areas of decision space but the analysis for impacts will extend beyond their decision space.

Lek Buffers

Alternative 5 and 6 describe a reduction in Lek Buffer distances and may reduce impacts and mitigation from certain disturbance types; however, there is ambiguity in the language which is an invitation to litigation. Certain terms as adjacent, distance, and major/minor linear features should be clearly clarified in the FEIS and could lead to differing interpretations in scenarios such as Leks located on adjacent land where there is no mineral estate.

The DEIS at page 1-8 states:

> *"There is no single buffer distance that would be appropriate for all populations and habitats across the range of GRSG (Manier et al. 2014)…….. As described above, lek buffers are not the only or final conservation tool to avoid or minimize disturbance."*

The FEIS needs to emphasize that buffers are not established to, "not allow activities" but rather to, "assess and address" impacts to maintain lek persistence and clearly identify that lek buffers can be adjusted based on local scientific data, including landscape features. Consequently, the "Required Conservation Measures" described in Appendix 19 is inconsistent with the flexibility necessary and must be removed.

The FEIS must clarify that buffer distances will only be applied to federal lands or split estate with BLM managed mineral. BLM has no authority under FLPMA to apply habitat management designations to private land.

IMA is opposed to the application of lek buffers to pending active leks in as described in Alternatives 3, 4, 5 and 6. This arbitrarily extends lek buffers without justifiable benefit.

If it is determined that lek buffer distance may need adjusted, IMA supports only the minimum lek buffer estimates identified in the USGS report, *Conservation Buffer Distance Estimates for Greater Sage-Grouse - A Review* (Manier et al. 2014), with justifiable departures as described in Appendix 19 Idaho Buffers Appendix Alternative Language.

Recognizing Valid Existing Rights Provided by Mineral Leases

BLM must recognize the issuance of mineral lease provides a valid existing right to the lease holder to develop that lease, including the modification of the existing lease, see 43 CFR 3510.11. Alternatives 3 and 6 would eliminate mining which would conflict with the valid existing rights of the lease or potential modification of the lease and would be unlawful. These rights may not be suspended revoked or modified by the final RMP.

Density and Disturbance Criteria

IMA is opposed to the disturbance and density caps under all alternatives that limits surface disturbance at the Habitat Assessment Framework (HAF) fine scale at 3% as well as at the project scale. IMA disagrees that an average density of one energy and mining facility per 640 acres (density cap) are warranted range wide. The DEIS recognizes that that Idaho has very little disturbance related to major infrastructure in designated core areas and imposing a complicated project level disturbance cap formula for Idaho is unnecessary. If disturbance and density caps are incorporated in the final RMP it must be based on state specific guidance. Additionally non-habitat in PHMA should be excluded in both the disturbance and density cap calculations within all alternatives. Consistent with the valid existing rights afforded within a mineral lease, the lease acreage must not be included within habitat management designations or be utilized to calculate disturbance and density thresholds.

Changing the Playing Field Mid-Game

Due to the uncertainty and to this point the continually changing GRSG management plans, BLM should consider any mining project that is at the NOI or later stage of the NEPA process to have an option to collaboratively work with BLM

to complete the NEPA process under the existing rules or the expected 2024 RMPA, whichever regulations are deemed to disrupt the project schedule the least while still maintaining the high level of protection outlined in both plans. The uncertainty and disruption at the project level needs to be recognized and guidance provided to allow the responsible development of mineral resources.

IMA Recommendations

Based on the forgoing comments IMA opposes Alternatives 1, 3, 4, and 6 as they unreasonably place too many restrictions on or outright prohibitions to mining projects going forward. IMA may support Alternatives in 2 and 5 if the clarifications set forth in this letter are made.

Thank you for the opportunity to provide comments. Please reach out if I can provide clarity.

Kindest Regards,

Benjamin J. Davenport
Executive V.P, Idaho Mining Association

BARRICK GOLD OF NORTH AMERICA, INC.
310 South Main Street, Suite 1150
Salt Lake City, Utah 84101
USA
www.barrick.com

Submitted Via BLM National NEPA Register (E-Planning)

May 13, 2024

Director Tracy Stone-Manning
US Bureau of Land Management
1849 C Street NW
Washington, DC 20240

Re: Request for Extension of Time for Public Comment on Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Range-wide Planning and Areas of Critical Environmental Concern

Director Tracy Stone-Manning:

Nevada Gold Mines LLC ("NGM") and Barrick Gold of North America, Inc. ("BGNA") respectfully request that the Bureau of Land Management ("BLM") extend the time for public comment for the draft Resource Management Plan Amendments and Environmental Impact Statement ("Draft RMPA/EIS") for BLM's Greater Sage-Grouse range-wide planning effort by **180 days**. NGM and BGNA also request the time for public comment on the proposed Areas of Critical Environmental Concern ("ACEC") be extended so that comments on both planning efforts are explicitly due on the same day.

NGM, a joint venture between BGNA and Newmont Corporation that is majority-owned by a corporate affiliate of BGNA, operates the world's largest gold-producing complex in northeastern Nevada. BGNA's other interests include mineral exploration projects across the western United States. To avoid impacting Greater Sage-Grouse populations and habitat located near these projects, NGM and BGNA have voluntarily implemented a range of measures to conserve and protect Greater Sage-Grouse, including active participation in Nevada's innovative Conservation Credit System, entering into an industry leading agreement with the U.S. Fish and Wildlife Service and BLM regarding sage grouse conservation ("Bank Enabling Agreement"), applying industry-leading grazing management techniques, and restoration of perennial vegetation on NGM/BGNA-owned properties impacted by fire and invasive annual species. Consequently, NGM and BGNA are both deeply interested in and, indeed, affected by, these planning efforts. Both entities are greatly concerned about their ability to provide meaningful public comment on substantial materials within the current timeframe.

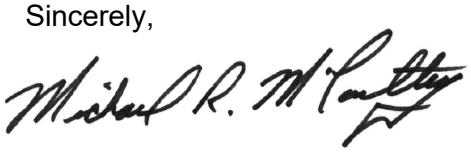
BLM published the Draft RMPA/EIS and proposed ACECs in the Federal Register on March 15, 2024. The 90-day public comment period for the Draft RMPA/EIS currently runs through June 13, 2024, and the 60-day public comment period for the proposed ACECs runs until May 14, 2024. This review and comment period is simply insufficient to review and comment on the 2,000+ page technical document, in addition to several thousands of pages of reports, scientific studies, GIS files, and other supporting materials covering nine western states. These materials are complex, in places contradictory and unintelligible, and fail to account for Nevada's Conservation Credit System (and NGM's Bank Enabling Agreement).

Further, BLM has been delayed in posting the public meeting materials, which need to be reviewed for consistency with the documents as errors between the two have already been flagged (such as the April 9, 2024, virtual meeting's representation that Alternative 5 contained 11,139,427 acres of new ACECs, which conflicts with the numbers in the Draft RMP/EIS). In effect, these narrow opportunities for public comment do not comport with basic notice and comment principles of due process.

The significant burden BLM placed on commenters to provide specific and substantive feedback on this unprecedented, range-wide planning effort in an unreasonable timeframe underscores the agency's errors in attempting to revise Greater Sage-Grouse land use plans on a landscape scale. The matrix of potential management decisions outlined in the materials will have substantial local impacts that have not been fully considered and are inadequately analyzed in BLM's environmental analysis. The requested extension would ensure commenters can provide meaningful responses on the proposed alternatives and rulemaking as a whole.

We appreciate your attention and consideration to this request.

Sincerely,



Barrick Gold of North America, Inc.
Nevada Gold Mines LLC

N-4 State Grazing Board
P.O. Box 461, Panaca, Nevada 89042
(775) 962-1333

May 14, 2024

Bureau of Land Management
BLM Utah State Office
Attn: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84101

Via Email: BLM_HQ_GRSG_Planning

RE: N-4 State Grazing Board Comments Regarding the Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning, Specifically Areas of Critical Environmental Concern (DOI-BLM-WO-2300-2022-0001-RMP-EIS)

BLM Greater Sage-Grouse Plan Amendment Team,

The N-4 State Grazing Board (Board) is a political sub-division of the State of Nevada organized under Nevada Revised Statute 568 Grazing and Range. This Board represents the ranchers who operate on public land grazing allotments within the Ely BLM District. Many of these ranchers and grazing allotments stand to be affected by the Draft Resource Management Plan Amendment (Draft RMPA or Draft EIS) effort and specifically the BLM's potential designation of new Areas of Critical Environmental Concern (ACECs) being considered as part of the Draft RMPA. This comment letter will be directed specifically at the ACEC proposal, and the Board reserves the right to amend, supplement and make additional comments throughout the comment period identified in the Federal Register Notice as the ACEC proposal and Draft RMPA are inseparably related.

The Board had representatives at the April 16, 2024 Public Meeting in Reno, NV as well as the BLM's virtual presentation to the Nevada Sagebrush Ecosystem Council on April 19, 2024. In both presentations, BLM representatives clearly stated that comments related to ACECs would be considered up until the close of the 90-day Draft RMPA comment period on June 13, 2024. However, upon its review of the Federal Register Notice for this document, the Board identified the following language, "This notice also announces the opening of a 60-day comment period for ACECs. The BLM **must** receive your ACEC-related comments by May 14, 2024" (**emphasis added**). The Board finds the BLM's comments and notice to be confusing and contradictory. There is simply too much integration between ACEC designations and the RMPA to bifurcate the comment period.

> **The Board requests a 60-day extension for ACEC comments and a 30-day extension for Draft RMPA comments (120-days for each). At minimum, the BLM must synchronize the ACEC and Draft RMPA comment periods through a new Federal Register Notice to eliminate any confusion and ambiguity.**

The Board has reviewed both the e-Planning website and Appendix 5: Evaluation of Areas of Critical Environmental Concern for Greater Sage-grouse. These comments are specific to those areas of the document given the short timeframe associated with ACEC-specific comments. Comments are generally arranged by various topical areas listed below in **bold.**

Complexity of the Draft RMPA and Interplay with ACEC Recommendations: The approach to assess all western Sage-grouse states in the same document is fatally flawed. The document is confusing and unclear resulting in a poor public process. The incorporation of ACECs and explanation as to why they are only included in certain alternatives in addition to how they are incorporated into certain alternatives is also very hard to follow.

> **The Board requests that the BLM develop a Supplemental Draft EIS specific to Nevada with a clearer set of Alternatives. The Board would suggest NOT carrying forward alternatives that contain ACEC designation. If the BLM decides to carry ACEC designations forward, the agency needs to articulate how ACECs correlate with other proposed Sage-grouse management goals and actions.**

Alternatives (3 and 6) Containing Proposed ACEC Designations and Lack of Justification for ACECs: The Board does not support the proposed ACECs in Nevada. The BLM needs to focus on completing accurate mapping that clearly articulates allocation decisions based on the mapping and coordinating with grazing permittees operating in Sage-grouse habitat (for example updating and implementing Allotment Management Plans to improve both grazing operations and for Sage-grouse benefits). If the BLM could accomplish those three things, the Board sees absolutely no need for ACECs.

The ACECs do not appear to have any clear biological difference from areas of non-ACEC. They do nothing to address the major threats to Sage-grouse in the State of Nevada (namely wildfire and invasive species such as cheatgrass). However, designating ACECs could certainly have a negative socio-economic impact to grazing permittees and local communities. The BLM's analysis in this regard is extremely limited and inadequate in this document.

> **The Board requests that the BLM develop a Supplemental Draft EIS and move Alternatives 3 and 6 into the category of "Alternatives Considered, but not carried forward for further analysis".**

Inconsistency with State and Local Plans: There is nothing in the State of Nevada's Greater Sage-grouse Conservation Plan that suggests identifying ACECs or other "special" areas beyond Sage-grouse habitat within designated Population Management Areas. The White Pine County Public Lands Policy Plan emphasizes the County's support for multiple use of public lands, and the Lincoln County Public Lands Policy plan does the same. Designation of ACECs is **NOT** consistent with any of these State or local plans.

> **The Board requests that the BLM develop a Supplemental Draft EIS and move Alternatives 3 and 6 into the category of "Alternatives Considered, but not carried forward for further analysis".**

Incomplete Mapping and Lack of Clear ACEC Mapping: There is a major NEPA inadequacy with the way in which the BLM has included various map alternatives in the Draft EIS. The State of Nevada still has management authority over Sage-grouse and the only map that has been approved by the State appears to be in Alternative 1, less the Sagebrush Focal Areas. Alternative Maps 2 - 5 are based on incomplete USGS Modeling products. This approach is both inaccurate and misleading. It would also appear that the BLM did not have peer reviewed and final "best available science" when it drew the proposed ACEC boundaries.

Publishing incomplete modeling updates, and developing ACEC boundaries based on these incomplete updates, sets a very bad precedent, is misleading to the public, and will result in inconsistent and ineffective management decisions.

Finally, none of the maps presented in the Draft EIS show the proposed ACEC boundaries in relation to existing grazing allotments. It is difficult for this Board, or its members, to make fully informed comments without adequate mapping.

> **The Board requests delaying release of a Supplemental Draft EIS and Land Use Plan Amendment until the USGS map product is complete and adopted by the State of Nevada. If ACECs are to be further analyzed, then the Supplemental Draft EIS must include clear maps with ACECs in relation to existing grazing allotments.**

Unclear and Inconsistent Evaluation of Critical Areas of Environmental Concern for Sage-Grouse Habitat: The Board had the following concerns after reviewing Appendix 5:

- The proposed ACECs contain everything from priority to non-habitat, but the BLM does NOT show if these areas contain adequate seasonal habitat to improve conservation of the local populations. The BLM has NOT shown that these areas are any more "relevant" or critical to Sage-grouse conservation than other areas of mapped habitat.
- The BLM's analysis has not presented a clear nor compelling case that ACECs are any more important than other mapped PHMA in Nevada. In fact, some of the ACECs contain extensive existing authorized uses (i.e. Congressionally designated utility corridors) or infrastructure (i.e. US Highways) that make conservation efforts more difficult and result in significant negative impacts on State and local socio-economics.
- It concerns the Board that the ACEC evaluation was primarily reliant on desktop analysis with reviews of modeling products, some of which were not even complete. This process was flawed from the start and does not appear to contain any ground truthing or consideration of real-time habitat conditions, nor coordination with potentially affected existing authorized users such as grazing permittees.

> **For the above-listed reasons, the Board does NOT support designation of the Butte Long Valley, Little Butte Long Valley or Eureka North and South ACECs.**

The Board will continue reviewing the Draft LUPA / EIS but is extremely concerned with both the process and the product as relates to proposed ACECs. The Board appreciates your consideration of the above comments.

Sincerely,

Gracian Uhalde, Chairman
N-4 State Grazing Board

CC: Nevada Congressional Delegation
Jon Raby, BLM Nevada State Director
Robbie McAboy, District Manager, Ely District Office BLM
White Pine County

National Association of Conservation Districts

June 13, 2024

Submitted Via: BLM National NEPA Register

Bureau of Land Management
Attention: HQ-GRSG-RMPA
440 West 200 South #500
Salt Lake City, UT 84101

RE: Greater Sage-Grouse Draft RMP/Draft EIS – GRSG RMPA

Dear Bureau of Land Management:

NACD represents America's 3,000 conservation districts, their respective state and territory associations, and the more than 17,000 individuals who serve on their governing boards. Conservation districts are local units of government established under state law to carry out natural resource management programs at the local level by working with landowners and operators in every part of the country to manage and conserve land and water resources on private and public lands. Conservation districts share a single mission: to work cooperatively with federal, state, and local resource and land management agencies, and private sector interest groups to provide technical, financial, and other assistance to help landowners and operators apply conservation to the landscape. Conservation districts work hand-in-hand with all levels of government to ensure that programs, regulations, and initiatives are tailored to address various local resource needs.

NACD appreciates the opportunity to comment on the Bureau of Land Management (BLM)'s Draft Resource Management Plan Amendment/Draft Environmental Impact Statement (RMPA/DEIS) for greater sage-grouse habitat management and values the importance of species conservation informed by the best-available science and input from local, state, federal and Tribal partners. By continuing to provide multiple use access and engaging in regular coordination with state and local governments and stakeholders, including conservation districts, public lands can be managed to accommodate a variety of uses including wildlife habitat, wildfire management, livestock management, and outdoor recreation. Impacts on local communities and economies should be well analyzed and taken into consideration when developing or altering management plans. NACD encourages BLM to continue working with and maintain flexibility for communities already working to preserve and protect greater sage-grouse habitat within the multiple use framework.

In the DEIS, BLM provides varied alternatives for sustainable management, which include specific amendments to the greater sage-grouse management plans. Of the alternatives analyzed, NACD believes Alternatives 2 and 5, with a few additions we highlight below, are most compatible with

ongoing efforts to protect greater sage-grouse habitat in balance with local socioeconomic considerations. NACD appreciates BLM's recognition of current local efforts and the opportunities presented by creating consistency in management and the consideration and utilization of additional tools in BLM's toolbox to achieve substantial improvements in greater sage-grouse habitat.

State and local governments, including conservation districts, are a tremendous resource for BLM and provide integral local knowledge to help determine appropriate management tools. In addition to understanding local landscapes and needs, conservation districts work with partners to provide resources and assistance facilitating effective habitat restoration and protection.

NACD does assert that a few additions and clarifications in the EIS are warranted. NACD requests a more streamlined process to "ground-truth" habitat designations and make on-the-ground management more adaptive based on true habitat conditions. NACD also encourages better clarity on use of Ecological Site Descriptions (ESDs) and their associated State and Transition Models to frame greater sage-grouse conservation actions grounded in current rangeland science and a sites' true ecological potential through regular coordination and collaboration with conservation districts. NACD is encouraged by BLM's references to updated range science and the need for appreciable standards and recommends BLM only apply range-wide disturbance caps when no other alternatives are available. Additionally, BLM should defer to state and local governments, including conservation districts, when developing or implementing any disturbance caps. Flexibility to adjust disturbance caps in accordance with updated data and/or science including site-specific conditions (such as ground-truthing) should also be allowed.

Wildfires continue to pose significant threats to greater sage-grouse and their habitat in the American West. NACD urges BLM to use aggressive and improved methodologies to support wildfire mitigation, especially pre-suppression fuels management on public lands. Effective management of fire fuels and practices to reduce opportunities for catastrophic wildfires strengthen and protect the sagebrush steppe habitat and the communities they support. Management tools, including well managed livestock grazing, can effectively reduce the fuel load, especially of fine fuels and invasive annual grasses like cheatgrass. NACD encourages BLM to continue to work with local ranchers and stakeholders on targeted and prescribed grazing as a management tool to create fuel breaks and reduce fuel load in or adjacent to sage-grouse habitats.

BLM should continue to work toward developing outcome-based grazing initiatives to increase flexibility and support for livestock permittees and land managers to meet habitat objectives as conditions on the ground change. The development of a streamlined process to provide timely use of temporary non-renewable grazing animal unit months, or a similar process, for targeted and strategic grazing can also reduce fire-prone invasive species, resulting in more desirable ecological conditions.

Invasive species continue to pose serious challenges for western communities and greater sage-grouse habitat, especially where species such as cheatgrass dominate areas after wildfire, and other weeds degrade important brood-rearing habitats including wet meadows or leks. Strong invasive species management is needed to address the issues facing greater sage-grouse habitats. BLM

should continue the use of native species to restore degraded rangelands when possible and beneficial nonnative species when necessary to stabilize sites from invasive species threats. Science has shown that pinion and juniper encroachment into sagebrush ecosystems threatens the greater sage-grouse's habitat and life-cycle behaviors, as the birds will avoid areas with even limited tree cover. Pinion/juniper control methods, including mechanical, chemical, and prescribed fire should be actively utilized moving forward. Analysis of and mitigation practices to address the impacts of predation on greater sage-grouse should also be taken into consideration. NACD encourages BLM to work with state and local governments, including conservation districts, and other appropriate federal agencies (including the U.S. Fish and Wildlife Service and USDA-Wildlife Services) to determine the most sensible approach to reduce the impacts of predation. For example, species such as the Common Raven have a disproportionate impact on sage-grouse, but also have protections under the Migratory Bird Treaty Act.

It is critical to consider the well-being and stability of local economies when developing species and habitat management plans. BLM's greater sage-grouse management plans must provide adequate regulatory mechanisms to protect, enhance, and restore local economies and preserve local culture and social stability. NACD believes Alternatives 2 and 5 in BLM's DEIS take important steps to bolster this objective and encourages continued coordination and cooperation in fine tuning to maximize greater sage-grouse conservation in balance with the socioeconomic needs of local communities. Well-managed sagebrush ecosystems not only provide habitat for the sage-grouse, but also support additional species such as mule deer, elk, pronghorn, and the golden eagle. The American West supports a wide range of important activities within the multiple use framework, including outdoor recreation and livestock cultivation. It is crucial that BLM continue to support additional activities within the multiple use framework and recognize their importance to local communities.

NACD thanks the BLM for the opportunity to provide input to inform the DEIS process and looks forward to working with the agency to ensure local communities and conservation districts are at the forefront of management efforts. NACD encourages BLM to utilize conservation districts' unique local knowledge and experience to help inform the development of greater sage-grouse management systems. Working closely with all stakeholders, BLM can ensure that local economies and sage-grouse habitats are able to thrive in tandem.

Sincerely,

Kim LaFleur,
NACD President

North American Falconers Assn.
Conservation Committee
Ralph Rogers
Box 63
Winifred, Montana 59489

RE: Comments on BLM Draft RMPA for Greater Sage Grouse (89 Fed. Red. 18963.

TO: Dr. Pat Deibert/Quincy Bahr
BLM
Salt Lake City, Utah

Dr. Diebert, Mr. Bahr.

Background: In the early 90's, biologists Tom Cade (Cornell U., and Boise, ID) and Kent Christopher (Boise, ID) noticed a consistent decline in the numbers of greater sage grouse (GRSG) in NE Idaho. After years of observation by these and other of our members throughout appropriate habitats in other locations, our field experiences strongly suggested that the GRSG populations in large portions of their habitat were declining. Out of concerns, in 1990, the North American Falconers Assn. (NAFA) formed a sage grouse committee, working in concert with other activities of NAFA's Conservation Committee. In 1999, and after almost a decade of reported population declines, that committee morphed into the 501-C-3 organization, the North American Grouse Partnership (NAGP). One of the major precepts of NAFA then and now was advocacy for "no net loss of sage grouse habitat". We have clearly failed as these declines, now universally accepted and quantified, have continued. What managers and users have been doing, or not doing, is clearly not working.

Management of many species of grouse and confederate shrub-steppe obligates are largely private lands issues; the sage grouse is different in that respect. Sage grouse are largely a public land species. The BLM has a unique role here and the survival of this species rests largely on the back of BLM management. This responsibility is also a great opportunity, but clearly, time is running out.

We now know the probable causes of GRSG declines; they are multiple and usually correlated. Oil and hard rock-mineral development, cheatgrass, over-grazing, fire, noise, dust, wind development, solar projects, electric transmission lines, encroachment of trees, and of course direct conversion of shrub-steppe for any end, all result in population declines. Any meaningful RMPA must address and minimize all of these causative activities if we are to expect positive results. The last 30 years illustrate that without stronger dedication to conservation measures, lek counts will just continue to drop.

No Net Loss: NAFA can endorse "no net habitat Loss" only if the 1990 baseline or, worse case scenario, the 2015 populations are used. We strongly endorse rehabilitation back to those levels. Those efforts could be concentrated around the margins of high-quality habitat.

Fire/Cheatgrass: The fire-driven conversion of shrub-steppe to monocultures of various species of invasive non-native brome grasses is one of the largest drivers of GRSG habitat loss. Fire incidents in GRSG habitats should receive quick responses with full-suppression tactics. Research and use of chemical agents on cheatgrass needs to expand.

Over-grazing: We recognize the sensitivity of this issue. Scientifically, we have too many cattle in areas of, high altitudes, low annual rainfall, and where the only available water is man-made. These areas never experienced a history of heavy ungulate use. Those vegetation types just can't sustain the level of use they experience long term. To the extent possible, and considering the cultures of the BLM and cattle producers, we need to allow those areas to rest by decreasing/retiring AUM's. And, as Aldo Leopold said, over-grazing exacerbates cheatgrass invasions.

Parochial disturbances: Research shows that noise, dust, wind, solar, and roads can all have local negative effects. These disturbances, like others, must be minimized in any core area. We fully support 3-mile NSO designation around any lek if we expect to have meaningful population increases.

Our member falconers have been partners in efforts to help GRSG over the last 30 years of close witness to continued declining populations. We have helped BLM mark fences, find leks, locate wintering populations, run winter surveys, and perform any job the BLM has needed of us. We remain good partners but express our disappointment in the results from all of our efforts to sustain sage grouse populations. We are rapidly approaching a too little, too late breaking point. We are disappointed in the BLM selection of alternative #5 (less restrictive) as the "preferred alternative". If we can't address the specific problems with this RMPA, then we must support alternative #3 but believe that too may not be restrictive enough.

NAFA thanks the BLM for the opportunity to comment on this important issue.

"*Platitudes and planning will not save sage grouse. Strong leadership and a commitment to science-driven solutions are necessary to conserve one of North America's most iconic species…*" ….
Jack Connelley, 2024, NAGP- Grouse News.

June 13, 2024

BLM Utah State Office
Attn; HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84104

Submitted at https://eplanning.blm.gov/eplanning-ui/project/2016719/510

RE: Greater Sage-grouse Draft Resource Management Plan Amendment/Draft Environmental Impact Statement (Draft RMPA/Draft EIS) (DOI-BLM-WO-2300-2022-0001-RMP-EIS)

Dear Dr. Deibert and Mr. Bahr,

Sierra Club appreciates the opportunity to comment on the Greater Sage Grouse Draft Resource Management Plan Amendment/Draft Environmental Impact Statement ("Draft RMPA/Draft EIS"). In light of the continued decline of greater sage grouse populations under current management, Sierra Club urges the Bureau of Land Management ("the Bureau") to increase protections for greater sage-grouse from oil & gas leasing and development, mining, and livestock grazing range wide. Accordingly, Sierra Club supports adoption of the restrictions on those activities provided under Alternative 3. Alternative 3 is the only alternative considered by the Bureau that will provide improved protections from the impacts of those activities compared to the status quo of current management, rather than weakening existing protections.

Sierra Club is the nation's oldest grassroots organization. It has more than 3.8 million members and supporters nationwide, including chapters in California, Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, and Wyoming. Sierra Club is dedicated to the protection and preservation of the environment; to exploring, enjoying, and protecting the wild places of the Earth; to practicing and promoting the responsible use of the Earth's resources and ecosystems; to educating and enlisting humanity to protect and restore the quality of the

natural and human environment; and to using all lawful means to carry out these objectives. Sierra Club's campaigns tackle pressing environmental problems including climate change and threats to wildlife. Sierra Club has long advocated for protections for imperiled species, including greater sage-grouse.

With regard to the impacts of oil & gas leasing, mineral extraction, and domestic livestock grazing, the exclusion approach described under Alternative 3 will provide meaningfully improved protection relative to the other alternatives that the Bureau considered in the draft EIS. Given the continued decline of sage grouse populations, the Bureau cannot rationally justify continuing the inadequate management under the status quo (Alternative 1), nor adopting alternatives that perpetuate the problems under current management, and functionally weaken protections (Alternatives 2, 4, 5, and 6). The Bureau's identification of Alternative 5 as the preferred alternative reflects the failure of the Draft EIS to adequately analyze the effects of the alternatives with regard to oil & gas activities, mineral extraction, and domestic livestock grazing as required by the National Environmental Policy Act ("NEPA"), and is inconsistent with the Bureau's obligations under the Federal Lands Policy and Management Act ("FLPMA").

The Draft EIS fails to comply with the requirements of NEPA in multiple ways. As detailed in comments submitted to the Bureau by Advocates for the West, Western Watersheds Project, and others, the Draft EIS fails to provide adequate information on baseline conditions and trends; provides an analysis of impacts to greater sage-grouse that is vague and cursory; lacks clarity; fails to rationally explain, evaluate, and support the proposed changes weakening protections, particularly in light of continued population declines; fails to take a "hard look" at lek definitions, lek buffer sizes, disturbance caps, livestock grazing, forbs/annual vegetation, the cheatgrass/fire/livestock cycle, wild horses and burros, mining, oil & gas leasing and development, and drought and climate change impacts in the planning area; fails to analyze previous actions, adaptive management implementation and prior mitigation outcomes; fails to provide adequate analysis of cumulative impacts; and fails to adequately evaluate mitigation, such as the State of Nevada's "Conservation Credit System," by not examining whether compensatory mitigation under the 2015 plans has been effective in achieving the "net conservation gain" requirement, or whether various state-based compensatory mitigation

programs would achieve "no net loss" under the proposed plan amendments.[1] The Draft EIS fails to evaluate the problems with the Conservation Credit System and other compensatory mitigation systems.[2]

The Bureau has also failed to comply with its own policies implementing FLPMA requirements. In identifying Alternative 5 as the preferred alternative, and thereby failing to meaningfully increase protections from oil & gas development, mining, and livestock grazing, the Bureau has also failed to comply with its own policy for managing "special-status species," BLM Manual 6840.[3]

Sierra Club urges the Bureau to utilize designation and protection of areas of critical environmental concern ("ACECs") to provide special management. FLPMA directs the Bureau to "give priority to the designation and protection of areas of critical environmental concern" in the development and revision of land use plans.[4] In promulgating the Conservation and Landscape Health Rule, the Bureau elaborated on the role of ACECs as the principal administrative designation for public lands where special management is required to protect and prevent irreparable damage to important resources such as wildlife habitat identified as having "relevant" and "important" values.[5] The rule also requires the Bureau to administer designated ACECs in a manner that protects and enhances the values identified as relevant and important.[6] Through its "Evaluation of Areas of Critical Environmental Concern for Greater Sage-Grouse Habitat," the Bureau found that about 11 million acres met the relevance and importance criteria for ACEC designation.[7] Given the continued decline in sage-grouse populations, special

[1] *See* "Comments on the Greater sage grouse Draft Resource Management Plan Amendment/Draft Environmental Impact Statement (Draft RMPA/Draft EIS)," Advocates for the West, American Bird Conservancy, Center for Biological Diversity, Earthworks, Great Old Broads for Wilderness, Oregon Natural Desert Association, Prairie Hills Audubon Society, Public Employees for Environmental Responsibility, WildEarth Guardians, Western Shoshone Defense Project, Western Watersheds Project, and Western Wildlands Conservancy, submitted June 12, 2024 via https://eplanning.blm.gov/eplanning-ui/project/2016719/510.
[2] *See id*. at 81-89.
[3] *See id*. at 74-76.
[4] 43 U.S.C. § 1712(c)(3).
[5] *See* 43 C.F.R. § 1610.7-2(a); Conservation and Landscape Health, 89 Fed. Reg. 40308 (May 9, 2024).
[6] 43 C.F.R. § 1610.7-2(a) and (j)(3).
[7] Draft EIS at Appendix 5, 5-48.

management attention is necessary to protect and prevent irreparable harm to priority core habitat and connectivity lands. In finalizing the plan amendment, the Bureau should prioritize ACEC designations with strong management prescriptions, and therefore adopt the special management provisions for oil & gas, mining, and livestock grazing described under Alternative 3.

Conserving greater sage-grouse requires defending existing habitat from destruction as well as restoration of habitat. Reversing the population decline and habitat destruction trends, and ensuring that the species recovers to the point where the danger of extinction is no longer reasonably foreseeable, requires more protective management, and a departure from management approaches for oil and gas development, mining, and livestock grazing that have failed to provide adequate protection from the impacts of those activities.

Sincerely,

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N-4 State Grazing Board
Document Specific Comments

Document-specific comments to the Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning, (DOI-BLM-WO-2300-2022-0001-RMP-EIS).

Chapter or Appendix	Section, Table, or Figure	Page Number(s)	N 4 Grazing Board Comment
General Comment	General Comment	General Comment	The Board is disappointed in the BLM's decision to provide such a limited timeframe for partners and the public to review and comment on this DEIS. The document is large and cumbersome, not to mention confusing, and a 90-day comment period is not sufficient for truly informed, substantive comments to be made. This Board strongly requests a supplementary, Nevada-specific DEIS be provided for thorough understanding of the proposed action and alternative.
Chapter 2	Table 2-4	2-13 through 2-21	This table is extremely difficult to understand considering how the Alternatives and States are randomly combined. This table also clearly demonstrates the need for each state to have it's own analysis; the rangewide approach is not appropriate.
Chapter 2	2.5.9	All	In this section, the BLM must acknowledge that Raven populations have increased substantially in Nevada and acrost the west. This increase recently led the US Fish and Wildlife Service to increase its depredation take permit in Nevada by nearly 4-fold. Information from this Environmental Assessment should be incorporated here (Depredation Permits for Common Raven Removal in Nevada, April 2024). The Coates 2022 study found that even in good habitat, raven predation can affect Sage-grouse when raven populations elevate beyond a certain density threshold. Infrastructure and reduction of existing human subsidies is not always possible, particularly within BLM's purview. Habitat improvement is not always possible (i.e. in times of drought). As such, the BLM should not interfere with State wildlife agency effort to remove ravens when and where deemed appropriate under its Depredation Permit. All alternatives need to acknowledge and support the State's role in planning and implementing predator control.
Chapter 2	2.5.10	All	It is unclear how the BLM is planning to use both Land Health Standards and the Habitat Assessment Framework for grazing management. This section and the included tables seem to waffle between only using LHS, only using HAF, using them conjointly, or being required to use both. This is extremely confusing and concerning to this Board considering the implications of these parameters on permittees. Clarity on which circumstances dictate the use of LHS and/or HAF is requested. When would LHS be used to "adjust" grazing? When would HAF be used? Is it expected that both will be used at the same time on every allotment? This is not acceptable to the Board.

Chapter or Appendix	Section, Table, or Figure	Page Number(s)	N 4 Grazing Board Comment
Chapter 2	2.5.10, Table 2-12, Alt. 4, Management Action RM-1	2-105	Any consideration of changes to timing, duration, rotation, frequency, number of AUMs, and/or season of use should **not** be made without thorough, sound monitoring being conducted. These changes should also **not** take place without the affected permittee and/or his/her representative being fully aware of the monitoring taking place and the decision to be made.
Chapter 2	2.5.10, Table 2-12, Alt. 4, Management Action RM-2	2-107	Any adjustments made to grazing should only be done in close coordination and communication with the affected permittee. Public land livestock operators have valuable local knowledge of their allotments that is crucial to the success of any changes in management. The Board would suggest an amendment to the language in this section to include: "Any adjustments to grazing will be made based on current ecological potential according to ESD, associated STM, **coordination and consultation with the affected permittee,** and existing ecological state."
Chapter 2	2.5.10, Table 2-12, Alt. 4, Management Action RM-4 and RM-5	2-109 through 2-110	Range improvement projects should not be removed, modified, or installed without thorough coordination and communication with the impacted permittee. If the range improvement involves water, then any modification must also comply with State Water Law.
Chapter 2	2.5.10, Table 2-12, Alt. 4, Management Action RM-6	2-111	All fences are built because they are necessary, and all fences have high costs associated with their installation and maintenance. The removal of fences should not be considered unless absolutely necessary and fully justified. This Board specifically has concerns with virtual fencing being used as a blanket solution for lack of fence maintenance.
Chapter 2	2.5.10, Table 2-12, Alt. 4, Management Action RM-7	2-112	This Board is strongly opposed to any voluntary grazing relinquishments resulting in the BLM considering "whether to offer the permit for re-authorization to other grazing applicants or if the public lands where that permitted use was authorized shall be used for other resource management objectives." The reallocation of a permit for any other "resource management objectives" is not acceptable to this Board. If a permit is relinquished, it should be offered to other permittees prior to any changes in authorized use. Furthermore, it is not acceptable for the BLM to consider the "conversion of the allotment to a reserve common allotment that will remain available for use on a temporary, nonrenewable basis for the benefit of GRSG habitat." Without proper utilization, these allotments will result in increased fire risk due to the amount of decadent forage that would accumulate. Additionally, invasive annual species would have a greater chance to establish with not opportunity for grazing management to combat their spread.

Chapter or Appendix	Section, Table, or Figure	Page Number(s)	N 4 Grazing Board Comment
Chapter 2	2.5.11	All	The Board appreciates and supports the BLM's intention through the preferred alternative to manage wild horse and burro populations within AML.
Chapter 2	2.5.12	All	The BLM's regional approach to assess Sage-grouse in all western states in the same document is an extreme error. This section of the document is unclear and confusing, which has resulted in a poor public process. It is extremely difficult to follow not only the incorporation of ACECs, but the explanation for why ACECs are included in certain alternatives and how they have been incorporated in said alternatives. The Board adamantly opposes the proposed ACECs in Nevada. Accurate mapping that clearly enumerates the allocation decisions made based on said mapping needs to be the focus for BLM. Coordination with grazing permittees who are operating in Sage-grouse habitat (efforts which should include updating and implementing Allotment Management Plans to improve both grazing operations and Sage-grouse benefits) should also be a focus by the agency. If the BLM could accomplish these efforts, the Board sees absolutely no need for ACECs. Similar comments were submitted to the BLM via an ACEC-specific letter from the Board on 5/14/2024.
Chapter 2	2.5.13	2-124	The Causal Factor Analysis teams should at minimum also include the affected permittee in addition to the local BLM biologist, BLM state Sage-grouse lead, and a representative from the state wildlife agency.
Appendix 15	15.1.2	15-2	Any changes to range improvements need to be thoroughly discussed with the affected permittees. Removal of range improvements without consent of the Permittee is not acceptable to this Board. If the range improvement involves water, then any modification must also comply with State Water Law.
Appendix 15	15.1.2	15-2	It is concerning that the BLM suggests resting areas with vegetation treatments for an undetermined amount of time. The Board would suggest revising to include language determining that 2 to 3 years is a long enough rest period after vegetation treatments to reduce the risk of wildfire and spread of invasive annual grasses, and to additionally reduce the impacts felt by permittees by these resting periods.

Chapter or Appendix	Section, Table, or Figure	Page Number(s)	N 4 Grazing Board Comment
Appendix 15	15.1.2	15-2	Permittees should be involved throughout the entire process of any management or movement requirements following "recent burns, habitat rehabilitation, or other restoration sites."
Appendix 15	15.1.3	15-3	Revise language to say: "Locate troughs outside meadows, swales, and riparian areas **when possible**."
Appendix 15	15.1.4	15-3	Any pre-season assessments should be done in coordination with the affected permittee.
Appendix 15	15.1.6	15-4 through 15-5	More detail is needed on why Nevada is the only state with specific BMPs. Additionally, do these Nevada BMPs apply to wild horse and burro management?
Appendix 15	15.2	All	This table is extremely difficult to understand due to the constant bouncing between states, objectives and goals. This table further illustrates the need for a state-specific supplemental draft EIS. Additionally, all of the proposed changes and management action possibilities should be done in coordination with the affected permittee.
Appendix 15	15.2	15-14 (MD LG 4)	Ecological site descriptions should be used alongside land health assessments.
Appendix 15	15.2	15-18 (MD LG 8)	The Board would like to stress the importance of monitoring data and would like to strongly recommend to the BLM that this monitoring be completed annually, at minimum.

Chapter or Appendix	Section, Table, or Figure	Page Number(s)	N 4 Grazing Board Comment
Appendix 15	15.2	15-19 (MD LG 1)	**It is not acceptable to this Board that "Making allotment unavailable to grazing" is included as a potential modification that could be imposed by the BLM if deemed "incompatible" with goals identified in GHMA and PHMA.** The Board strongly opposes making allotments unavailable to grazing. Did the BLM intend to imply that grazing will be removed in the event of vegetation treatments? Clarity is needed on this topic.
Appendix 15	15.2	15-19 and 15-20 (MD LG 5)	The Board **strongly** opposes: "Considering no grazing from May 15 – Sept. 15 in riparian areas and wet meadows." The Board stresses the importance of determining turn in and turn out dates on a site-specific, allotment by allotment basis. Defining exact dates for the entire state is a doomed approach that is not appropriate for these landscapes. BLM personnel should be able to determine the appropriate turn in and turn out dates in coordination with the affected permittee and in consideration of annual conditions, habitat goals, and parameters unique to the needs of that specific site. Finally, any drastic decisions like this made on allotments should be done in close coordination with the affected permittee and with the appropriate mitigation for the loss in forage and water resources.
Appendix 15	15.2	15-20 (MD LG 5)	The Board **strongly** opposes: "In riparian areas and wet meadows the allowable percent utilization is 35% woody species, and a minimum stubble height of 4-6 inches (10- 15 cm) for herbaceous riparian vegetation based on site… In mountain big sage habitat, the allowable percent utilization is 40 % herbaceous key species and/or 35 % shrub key species… In Wyoming Basin big sage habitat, the allowable percent utilization is 35% herbaceous key species and/or 35 % shrub key species… In black sage habitat, the allowable percent utilization is 35% herbaceous key species and/or 35 % shrub key species… To the extent that the implementation of these strategies would be in conflict with the terms and conditions of any applicable livestock grazing permit or lease, then the BLM would complete a new decision-making process before implementing the strategies." This is concerning considering the BLM is woefully behind in its decision-making processes already and it is unclear how exactly this would be in the best interest of either the landscape or the permittee. Percent utilization should be determined by site conditions, time of use, etc. rather than by species dominant habitat parameters. For example, it is a gross misjudgment to say that all Wyoming Basin big sage habitat only

Chapter or Appendix	Section, Table, or Figure	Page Number(s)	N 4 Grazing Board Comment
			has an allowable percent utilization of 35% when some Wyoming Basin big stage stands pose the greatest wildfire risk and **should be** utilized more than 35% to mitigate that risk. These percentages do nothing to mitigate the major threats to sage grouse identified in the 2019 Nevada Greater Sage-grouse Conservation Plan and only provide a way to pigeonhole the BLM and their flexible management opportunities. Planned grazing systems focused on site specific needs are best used to address any concerns related to season of use, deferment periods, utilization and other habitat needs.
Appendix 15	15.2	15-29 (MD LG 15)	How does the BLM intend to remove or modify water developments? What is the mitigation plan for the loss of these developments? It is not acceptable to the Board for the BLM to remove developments without proper coordination with the permittee and thorough compliance with State of Nevada Water Laws.
Appendix 15	15.2	15-36 (MD LG 14)	What is considered a "large enough" livestock exclosure?
Appendix 15	15.2	15-37 (MD LG 21)	This Board reiterates that it is strongly opposed to any voluntary grazing relinquishments resulting in the BLM considering "whether to offer the permit for re-authorization to other grazing applicants or if the public lands where that permitted use was authorized shall be used for other resource management objectives." (Section 2.5.10, Table 2-12, Alt. 4, Management Action RM-7, Page 2-112). The reallocation of a permit for any other "resource management objectives" is not acceptable to this Board. If a permit is relinquished, it should be offered to other permittees prior to any changes in authorized use. Furthermore, it is not acceptable for the BLM to consider the "whether the public lands where that permitted use was authorized should remain available for livestock grazing or be used for other resource management objectives, such as reserve common allotments." Without proper utilization, these allotments will result in increased fire risk due to the amount of decadent forage that would accumulate. Additionally, invasive annual species would have a greater chance to establish with not opportunity for grazing management to combat their spread.
General Comment	General Comment	General Comment	The Board wants to clearly reiterate to the BLM that it is extremely concerned with the process and product as relates to the Draft RMPA. The Preferred Alternative must be consistent with State and local agency plans and provide the most comprehensive sideboards for public lands grazing management.

State of Idaho Greater Sage-Grouse 2024 RMP Amendment Draft EIS Comments (June 13, 2024)						
Comment #	**Appendix / Chapter #**	**Section #**	**Table # (if relevant)**	**Page # (bottom of page)**	**EIS Resource Topic Section**	**Comment**
1	Acronyms and Abbreviations	Acronyms and Abbreviations	N/A	ix-xi	N/A	Acronyms and abbreviations are used throughout the ADEIS/DLUP document and the first spelled-out use can be difficult for readers to find. Therefore, it is recommended that all acronyms/abbreviations are included in this section of the FEIS. Please add AIM, SOP, and FIAT to acronyms and abbreviations section, and define AIM when it is first used in section 2-26.
2	Executive Summary	ES.4.1	N/A	ES-3	Alternative 1	Alternative 1 (2015 ARMPA) and Alternative 2 (2019 ARMPA) were both previously identified by the BLM as No Action alternatives The DEIS now only identifies Alternative 2 as No Action, although it has never been implemented because of a Court injunction. It is recommend that the FEIS include a thorough explanation of the rational for Alternative 2 being the No Action Alternative rather than Alternative 1, which has been implemented by BLM since 2015.
3	Executive Summary	ES.5	N/A	ES-5	Summary of Environmental Consequences: GRSG	When describing impacts on GRSG among the alternatives, the DEIS states, "impacts on GRSG would similarly vary, with the BLM managing the most PHMA under Alternative 3, followed by Alternatives 4, 1, and 5/6 in descending order." This statement is incorrect for Idaho, where there is more PHMA in Alternative 5 than both Alts 1 and 2 (roughly 12% more). Where does Alt 2 fit in the relative rank? Further, there should be no reference to "5/6" because these alternatives differ (instead separate by a common). If ACEC's under Alternative 6 are being treated as if they are PHMA (despite being "more restrictive than PHMA" as described in ES.4.6 Alternative 6), then PHMA acreage may be the same as Alt 5 and the relative rank could be revised to "6, 5", recognizing more restrictive management in ACECs of Alt 6 relative to Alt 5 (no ACECs). Regardless, provide appropriate relative ranks for all alternatives.
4	Executive Summary	ES.5	N/A	ES-7 and ES-8	Summary of Environmental Consequences: Social and Economic Considerations	In the last paragraph replace the words "Alt" and "Alts" with Alternative and Alternatives, respectively.
5	Ch. 2	2.1	N/A	2-1	Introduction	Alternative 1 (2015 ARMPA) and Alternative 2 (2019 ARMPA) were both previously identified by the BLM as No Action alternatives The DEIS now only identifies Alternative 2 as No Action, although it has never been implemented because of a Court injunction. It is recommended that the FEIS include a thorough explanation of the rational for Alternative 2 being the No Action Alternative that has never been implemented rather than Alternative 1, which has been implemented by BLM since 2015.
6	Ch. 2	2.1.1	N/A	2-1	Components of Alternatives	For clarity, recommend for the FEIS that a similar statement be included in the Executive Summary that the terms "management action" and "management decision" are used interchangeably.
7	Ch. 2	2.2.3	N/A	2-2	Alternative 3, Alternative 6	The BLM would designate 11,139,472 acres of ACECs specific to the management of GRSG under Alternative 3. Of this ACEC acreage, 3,438,307 acres (30.9% of the total; Table 2-14) are in Idaho, which is disproportionate to the range-wide distribution of sage-grouse, given that Idaho supports 14% of known male populations and 10% of habitat range-wide. Consequently, methods for designating/mapping ACECs under Alternative 3 appear not to adhere to a consistent range-wide approach causing inconsistent results among states. It is recommend that the FEIS provide a thorough explanation about the BLM's basis and methods for designating ACECs under Alternatives 3 and 6, including differences among states. Moreover, PHMA meets the purpose and need for ACECs, therefore ACECs are not necessary in Idaho.
8	Ch. 2	2.2.3	N/A	2-2	Alternative 3	Under Alternative 3, ACECs would include portions of PHMA and "would have the same allocations (i.e., allowable uses) as the rest of PHMA." If there are no ACECs outside of PHMA, then there is no need for an ACEC designation.
9	Ch. 2	2.4	N/A	2-6	Preferred Alternative	The last sentence on Page 2-6 states "…in accord with range-wide GRSG conservation goals." For reader context, relevance, and completeness, it is recommend that the FEIS also state the range-wide GRSG conservation goals here.
10	Ch. 2	2.5.2	N/A	2-11	Habitat Management Area Alignments and Associated Major Land Use Allocations	"GRSG habitat designations," "habitat management areas," and "HMA" appear to be used inconsistently and interchangeably for the same meaning. It is recommended that all these terms (and others throughout) be checked, defined, and then used consistently in the FEIS while minimizing the use of interchangeable terms, which can cause confusion for readers.
11	Ch. 2	2.5.2	Table 2-3	2-12	Habitat Management Area Alignments and Associated Major Land Use Allocations	ACEC acreage should be included in Table 2-3, whether it completely overlaps or is outside of PHMA. In particular, Alternative 6 ACEC has a different allocation than PHMA, so these should be separated. For the Range-wide HMA Alignment totals at the top of the table, it should be clear in the FEIS's accounting what is done with acreages of IHMA in Idaho and other designations in other states (e.g., OHMA, CHMA) because it only lists PHMA and GHMA. In the FEIS, ACEC acreage should be listed and separated from PHMA in Alternative 6 because they have different allocations. In Alternative 3, if ACECs and PHMA completely overlap and they have the same allocations as PHMA, then there is no need for an ACEC designation in Idaho.

12	Ch. 2	2.5.x (i.e., most subsections)	Tables 2-4 through 2-15;	Multiple	Alternatives	Alternative 6 is frequently combined with Alternative 5 in tables, which can lead to misinterpretation of what allocations belong specifically to each alternative (e.g., Alt 5, PHMA allocations do not mention overlap with potentially more restrictive ACECs). It is recommend to add a separate table column in the FEIS for Alternative 6 as was done in Table 2-14 for ACECs.
13	Ch. 2	2.5.2	Table 2-4	2-14	Habitat Management Area Alignments and Associated Major Land Use Allocations	Allocations for Saleable Minerals/Mineral Materials are specified to be the same between Alternative 4 and Alternative 5 with an exception noted for Idaho PHMA under Alternative 5 for new free use permits, etc. However, the noted exception for Idaho PHMA under Alternative 5 appears to read very similarly to the Alternative 4 allocation, particularly relative to screening criteria. It is recommended to review text and ensuring that these allocations in the FEIS are written clearly and accurately per the intents for Alternative 4 and Alternative 5 (e.g., relative to free use permits and screening criteria).
14	Ch. 2	2.5.2	Table 2-4	2-16	Habitat Management Area Alignments and Associated Major Land Use Allocations	The allocation for Locatable Minerals under Alternative 5 references Alternative 4, which appears to be incomplete for PHMA/IHMA with no reference to states other than Montana. It is recommended to review and revise as needed in the FEIS.
15	Ch. 2	2.5.2	Table 2-4	2-18	Habitat Management Area Alignments and Associated Major Land Use Allocations	The allocation for Non-Energy Minerals in GHMA under Alternative 5 is stated to be the same as Alternative 1. Recommend for the FEIS verifying if Non-Energy Minerals in GHMA under Alternative 5 should be the same as Alternative 2, which has a stated exception for Idaho.
16	Ch. 2	2.5.2	Table 2-4	2-18	Habitat Management Area Alignments and Associated Major Land Use Allocations	The allocation for Locatable Minerals in GHMA under Alternative 5 is stated to be the same as Alternative 1, which references SFA withdrawal. Recommend for the FEIS verifying if Locatable Minerals in GHMA under Alternative 5 (and the other alternatives) should have a different allocation other than being the same as Alternative 1 and referencing SFA withdrawal.
17	Ch. 2	2.5.2	Table 2-4	2-19	Habitat Management Area Alignments and Associated Major Land Use Allocations	The importance of identifying open OHV areas during Travel Management Planning and maintaining recreation access as called for in the Preferred Alternative is important to those users of areas such as sand dunes, which could be non-habitat inclusions within an HMA. Such areas should be evaluated under the non-habitat criteria, verified in the field by BLM staff and depending on the size, lack of impacts, etc., excluded from habitat management maps to assure proper management is applied.
18	Ch. 2	2.5.2	Table 2-4	2-19	Habitat Management Area Alignments and Associated Major Land Use Allocations	When potential non-habitat is identified and the field investigation is conducted, it states that the investigation's methods, findings, implementation, etc. should be coordinated with the interdisciplinary team. In Idaho this should also be coordinated with the Implementation Team as defined in MD-SSS 44 of the 2019 BLM SG Plan.
19	Ch. 2	2.5.3	Table 2-5	2-22 and 2-23	Compensation	As noted in Section 2.5.3 and Table 2-5, the indicators and methodology outlined in the Habitat Assessment Framework (HAF) will be used to evaluate habitat quality and sufficiency following the implementation of compensatory mitigation. Multiple lines of evidence (e.g. remotely sensed data, population data, credible partner data, or other approved BLM methodology), in addition to what is collected with HAF, should be used to verify the success of compensatory mitigation measures in offsetting direct and indirect impacts to achieve no net habitat loss. Determinations regarding the success of compensatory mitigation measures should not rely solely on HAF data. In Idaho, the Habitat Quantification Tool (rather than HAF metrics) is the standard method for evaluating the effectiveness of compensatory mitigation by estimating the amount of functional acres/credits of GRSG habitat created or improved by a compensatory mitigation project.
20	Ch. 2	2.5.3	N/A	2-22	Mitigation	The term "neighborhood cluster" needs an appropriate citation in the FEIS (e.g., Greater sage-grouse hierarchical population monitoring framework level 2; Coates et al. 2021).
21	Ch. 2	2.5.3	Table 2-5	2-23	Mitigation	Alternatives 3 to 6 state that compensatory mitigation should be completed prior to initiating the activity needing mitigation. However, many years might be needed for a mitigation project to produce functional GRSG habitat that would offset adverse project effects, potentially causing significant project delays. Recommend that the FEIS incorporate a mechanism to request and appropriately authorize projects (e.g., essential societal services) to be implemented prior to completing compensatory mitigation, while ensuring adverse project effects are fully offset accounting for a timeline commensurate with the duration of adverse project effects (e.g., time-lagged compensation obligations).
22	Ch. 2	2.5.3	Table 2-5	2-23	Mitigation	Establishing no net loss to support the number of GRSG present prior to disturbance at the apex of the population cycle will be difficult to calculate and understand. The common currency for sage-grouse and the BLM's nexus is functional acres of habitat, the measurement for number of sage-grouse should be removed and functional acres based on the State's Habitat Quantification Tool should be tiered to in the Idaho Record of Decision.

23	Ch. 2	2.5.3	Table 2-5	2-24	Mitigation	Recommend that the FEIS provide an additional clarification under Alternative 5 that the BLM will require compensatory mitigation to achieve a "no net habitat loss" of habitat accounting for the full duration during which adverse project effects would occur, although a time lag may occur as appropriate between project initiation and achieving the full functional value of the GRSG mitigation habitat. If the timeliness criteria cannot be met by having compensatory mitigation completed prior to project implementation, then the BLM should work with the State to address what is needed to compensate for the timeliness criteria through mitigation principles.
24	Ch. 2	2.5.4	Table 2-6	2-27	Application of Habitat Objectives	Alternatives 3 to 6 provide separate Objectives and Management Actions with text that appears to differ very little in topics and intent making the purposes of the individual Objectives/Management Actions unclear. Recommend reviewing these Objectives and Management Actions to ensure that intended similarities and differences are clear in the FEIS for readers, including considering opportunities to streamline the text as appropriate.
25	Ch. 2	2.5.5	Table 2-7	2-33	Disturbance Cap	For project-scale Disturbance Cap analyses, Pending Active leks "…can be considered as active leks based on….the state wildlife agency." Recommend that the FEIS specify that Pending Active leks will be considered by the BLM in Disturbance Cap analyses consistent with state wildlife agency recommendations.
26	Ch. 2	2.5.5	Table 2-7	2-34	Disturbance Cap	Under Alternative 5, a Disturbance Cap Exception is provided for projects to exceed the 3% cap for anthropogenic development if planned, funded, and approved future compensatory mitigation will offset the Disturbance Cap exceedance. Further, the compensatory mitigation offsetting the Disturbance Cap exceedance would not be required to be in place before the project commences. The FEIS should consider affording a similar exception mechanism to appropriately authorize projects (e.g., essential societal services) to be implemented prior to completing compensatory mitigation, while ensuring adverse project effects will be fully offset (no net loss) accounting for a timeline commensurate with the duration of adverse project effects (e.g., time-lagged compensation obligations).
27	Ch. 2	2.5.6	Table 2-8	2-41	Fluid Mineral Development and Leasing Objective	In the 2019 Idaho Sage-grouse ROD and ARMPA, the density cap regarding a disturbance density of one energy or mining facility per 640 acres was removed from MD SSS 27. If the 2019 Plan is the No Action Alternative and all actions will tier to the 2019 plan if not specifically changed in the 2024 FEIS/ROD, it is unclear if the 1:640 density cap is still in place for Idaho. This should be clarified.
28	Ch. 2	2.5.8	N/A	2-92	Renewable Energy Development and Associated Transmission	The third paragraph has sentence fragments and is difficult for the reader to follow. Recommend reviewing and revise as needed in the FEIS.
29	Ch. 2	2.5.8	Table 2-10	2-93	Renewable Energy Development and Associated Transmission	The text in Table 2-10 for PHMA allocations under Alternative 5 is unclear relative to Idaho. Recommend that Table 2-10 text be reviewed and revised accordingly in the FEIS to clearly indicate that protective lek buffers specified in FEIS Appendix 19 (not seasonal habitats) will be implemented as exclusion areas in Idaho to provide GRSG conservation measures and protections from energy development (including geothermal energy) except if justifiable departures (e.g., three bulleted criteria in Table 2-10) are warranted based on project specific NEPA analyses.
30	Ch. 2	2.5.8	Table 2-10	2-94	Renewable Energy Development and Associated Transmission	The last bullet in Table 2-10 on Page 2-94 under Alternative 5 states: "The remainder of PHMA/IHMA would be avoidance…" Recommend clarifying in the FEIS what "remainder" constitutes considering that all PHMA/IHMA was already stated to be avoidance at the top of Table 2-10 on Page 2-93 for Alternative 5, except as specified in subsequent bullets where development would not be allowed (e.g., lek buffers in Idaho).
31	Ch. 2	2.5.8	Table 2-10	2-95	Renewable Energy Development and Associated Transmission	Table 2-10 on Page 2-95 under Alternative 5 specifies that minimization measures and compensatory mitigation will be required for renewable energy development in GHMA. Recommend that the FEIS clearly state for GHMA that protective lek buffers specified in FEIS Appendix 19 will be implemented as exclusion areas in Idaho to provide GRSG conservation/minimization measures and protections from renewable energy development (including geothermal energy) except if justifiable departures are warranted based on project specific NEPA analyses.
32	Ch. 2	2.5.8	Table 2-10	2-96	Renewable Energy Development and Associated Transmission	For Major ROWs, minimization measures, and compensatory mitigation are specified for PHMA/IHMA where avoidance cannot be achieved when siting Major ROWs. Examples of minimization measures are provided, but they do not include mention of protective lek buffers for Idaho. Recommend that that Table 2-10 in the FEIS specifically reference protective GRSG lek buffers for ROWs as specified in FEIS Appendix 19 will be implemented as exclusion areas for PHMA/IHMA in Idaho except if justifiable departures are warranted based on project specific NEPA analyses.
33	Ch. 2	2.5.8	Table 2-10	2-96	Renewable Energy Development and Associated Transmission	For Major ROWs, the BLM should put specific language stating that routine ROW maintenance, including service road maintenance which are necessary to access structures is included in valid existing rights. The BLM currently has IM 2023-034 which requires that utilities maintain their ROWs and infrastructure to prevent wildfire, but it has been unclear to field offices that the utilities should have the ability to maintain existing service roads, powerlines and associated infrastructure as a part of maintenance. This could be also made clear to field offices if operations and maintenance including service roads was included as a justifiable departure and state that utility activities necessary to conduct operations, maintenance and emergency activities on existing infrastructure fall within this justifiable departure category.

34	Ch. 2	2.5.8	Table 2-10	2-98	Renewable Energy Development and Associated Transmission	Table 2-10 on Page 2-98 under Alternative 5 specifies that minimization measures and compensatory mitigation will be required for Major ROWs in GHMA. Recommend that the FEIS clearly state for GHMA that protective lek buffers specified in FEIS Appendix 19 will be implemented as exclusion areas in Idaho to provide GRSG conservation/minimization measures and protections from Major ROWs except if justifiable departures are warranted based on project specific NEPA analyses.
35	Ch. 2	2.5.9	N/A	2-99	Minimizing Threats from Predation	The last sentence in the first paragraph is very long and cumbersome, which affects clarity of the intended information for readers. Recommend reviewing this sentence and revise as needed in the FEIS.
36	Ch. 2	2.5.9	N/A	2-99	Minimizing Threats from Predation	The second paragraph states: "The BLM has committed to work with APHIS and local predator management groups as needed." Recommend at a minimum that the FEIS include reference to state wildlife agencies and the US Fish and Wildlife Service along with APHIS as stated on Page 2-101 in Table 2-11.
37	Ch. 2	2.5.9	Table 2-11	2-100	Minimizing Threats from Predation	Alternative 5 is the same as Alternative 4 except no restrictions would be applied to new authorizations/infrastructure in GHMA, although a predator management plan could potentially be required. Recommend including in the FEIS that the application of the mitigation hierarchy, minimization measures, BMPs and if needed compensation could also be required for new authorizations/infrastructure in GHMA to eliminate/minimize external food resources from anthropogenic sources (see bullet 2 under Alternative 4).
38	Ch. 2	2.5.10	N/A	2-103	Livestock Grazing	The second paragraph references Table 3-7, yet is difficult to locate. Please add that the table is found in Appendix 9.
39	Ch. 2	2.5.10	Table 2-12	2-105	Livestock Grazing	Management Action RM-1 has redundant, confusing language for Alternatives 4 and 5. The existing language also assumes that Land Health Standards for SSS are not being met and livestock grazing is the significant causal factor. Please clarify the language and remove the imbedded assumption. Suggested changes to the language: "During grazing authorization renewals, Allotment Management Plan development, or other appropriate implementation-level planning, consider adjustments to timing, intensity, duration, and frequency of grazing based on site-specific conditions IF Land Health Standards for SSS are not being met AND livestock grazing has been identified as being a significant causal factor" In this suggested change to the text, language has been removed encouraging the reduction of AUMs during the permit renewal process. Adjustments to timing, intensity, duration, and frequency should be attempted before jumping to a reduction in active AUMs.
40	Ch. 2	2.5.10	Table 2-12	2-107	Livestock Grazing	Management Action RM-3 for Alternative 5 currently states, "In PHMA (and IHMA in ID) the NEPA analysis when fully processed grazing authorizations...". The language for MA RM-3 should state, "In PHMA (and IHMA in ID) the NEPA analysis when fully processing grazing authorizations…." The ask is to changed processed to processing.
41	Ch. 2	2.5.10	Table 2-12	2-107	Livestock Grazing	Management Action RM-3 is centered around the use and inclusion of thresholds and responses in livestock grazing management. All reference to and requirement of thresholds and responses as a term and condition of a grazing authorization should be removed from Alternatives 4-6 as the concept of thresholds and responses is both unnecessary and redundant. During the permit renewal process, if a livestock grazing allotment is not meeting Land Health Standards (LHS) for Special Status Species (SSS) and livestock grazing has been identified as a significant causal factor, then the BLM is already required to adjust the terms of the permit in an effort to change management in a way that will meet or make progress towards meeting LHS for SSS. The BLM's LHS regulations at 43 CFR 4180 already provide the equivalent of a "threshold" in the Standard for SSS. If the Standard for SSS or "threshold" is not met and livestock grazing is identified as a significant causal factor, then the "response" is outlined in 43 CFR 4180.2(c) which states, "The authorized officer shall take appropriate action as soon as practicable but not later than the start of the next grazing year upon determining that existing grazing management practices or levels of grazing use on public lands ..." The "response" or changes to existing grazing management (i.e. changes to season of use, timing, intensity, duration, type of livestock) is developed in an alternative and analyzed under NEPA before being implemented into the terms and conditions of a grazing authorization. Therefore, imposing thresholds and responses would be duplicative of the efforts that the BLM and the permittee are already supposed to undertake and should be removed from Alternatives 4-6.

42	Ch. 2	2.5.10	Table 2-12	2-109	Livestock Grazing	For Management Action RM-4, the language that reads "Consider removal or modification of projects that negatively affect GRSG or GRSG habitat" is too subjective. What is the metric that will be used to determine whether a project "negatively affects" GRSG or GRSG habitat? Range improvements are a vital component of properly managed livestock grazing and should not be removed unless the BLM can provide clear and convincing data across the life of the range improvement that indicates the infrastructure has significantly contributed to the decline of GRSG populations or deterioration of GRSG habitat.
43	Ch. 2	2.5.10	Table 2-12	2-111	Livestock Grazing	For Management Action RM-6, the BLM should coordinate with the state wildlife agency AND the affected livestock grazing permittee on any evaluations or modifications of fences or other range improvement structures.
44	Ch. 2	2.5.11	Table 2-13	2-114	Wild Horse and Burro Management	Alternative 5 should reference Alternative 2 with a clarification that IHMA should have an intermediate prioritization for feral horse and burro management between PHMA and GHMA.
45	Ch. 2	2.5.12	N/A	2-117	Areas of Critical Environmental Concern	Here and throughout the DEIS, ACECs seem to replicate the purpose and intent of Idaho's existing three-tiered HMA system. GRSG habitats that have been determined to be highly important landscapes are already designated as PHMA in Idaho with the most protective land use allocations and management in place. The strong overlap of PHMA with ACECs in Idaho (as seen in Alternative 6) indicates these areas have already been identified and managed as priority habitat, and ACEC designation is unnecessary. The FEIS and ROD should therefore not apply ACECs or SFAs to GRSG habitat management in Idaho.
46	Ch. 2	2.5.12	Table 2-14	2-118	Areas of Critical Environmental Concern	Not designating ACECs specific to GRSG management (e.g., Alternative 5) is consistent with the State of Idaho's 2021 GRSG management plan. Furthermore, ACECs are unnecessary and burdensome for effective and efficient GRSG management in Idaho due to the protections afforded by PHMA and IHMA within Idaho's 3-tier HMA designation and mapping approach.
47	Ch. 2	2.5.12	Table 2-14	2-118	Areas of Critical Environmental Concern	The ACEC acreage in Idaho under Alternatives 3 and 6 is 3.4 million acres, which should be reflected in Table 2-3. This ACEC acreage represents 30.9% of the total ACEC acreage and seems disproportionately and unnecessarily large for Idaho compared to the distribution of GRSG habitat and populations among states. Evaluation of ACECs should be consistent range-wide rather than varying state to state at the local level.
48	Ch. 2	2.5.13	N/A	Multiple	Adaptive Management	The Adaptive Management section is overall lacking needed specifics suitable for implementation by BLM and state wildlife agency staff, including the following key examples: (1) threshold definitions that would be necessary to detect population trend anomalies and inform reasonable, timely, and effective adaptive management decisions (e.g., how to identify neighborhood clusters that decline to low levels, but do not decouple from climate cluster); (2) how to evaluate tripping/disengaging threshold criteria for both population and habitat thresholds relative to baselines; and (3) specific recommendations for types of adaptive management activities that may occur following the causal factor analysis (e.g. IHMA managed as PHMA). It is recommended that the BLM work closely with state wildlife agencies to revise/provide additional management specifics needed to develop and implement a comprehensive and effective adaptive management process.
49	Ch. 2	2.5.13	N/A	2-120	Adaptive Management	Establishing Adaptive Management thresholds is essential to identify when actions might be needed to continue meeting GRSG conservation objectives. Therefore, defining meaningful and measurable thresholds (soft and hard) linked to equally meaningful and measurable GRSG conservation objectives/metrics will be required for effective Adaptive Management. The DEIS is proposing at a very conceptual level the intention to use TAWS as a key quantitative tool to identify if habitat conditions (not climatic conditions) are influencing GRSG populations, especially negative population trends. However, the DEIS does not provide for readers a summary or framework for how GRSG conservation objectives/metrics, soft and hard threshold metrics, and TAWS would interplay in a practical and effective Adaptive Management program. Recommend that the FEIS provide at least the framework of how TAWS and thresholds will be spatially and quantifiably be defined in practice relative to corresponding GRSG conservation objectives/metrics for identifying when causal factor analyses are warranted for exceeded thresholds.
50	Ch. 2	2.5.13	N/A	2-120	Adaptive Management	Adaptive Management applies GRSG population and habitat monitoring approaches that can trigger management responses based on the exceedances of thresholds, which are establish indicators of undesirable population or habitat status/trends. For example: "Hard thresholds are indicators that management or specific activities are not achieving conservation objectives." Recommend that the FEIS explicitly and clearly state the specific GRSG population and habitat conservation objectives (and thresholds) for which the RMP amendments and Adaptive Management are intended to achieve. For example, are objectives to maintain/stabilize current GRSG conditions or achieve a different desired future condition?

51	Ch. 2	2.5.13	N/A	2-120 & 2-121	Adaptive Management	This section appears to focus on introducing and linking population thresholds and justifying use of TAWS to the BLM's habitat management responsibilities, but gives little treatment of habitat thresholds. Similarly, causal factor analysis also receives little treatment despite being key to effective adaptive management. It is therefore recommended that this section in the FEIS thoroughly introduce and define the purposes, principles, and interrelationships of population thresholds, habitat thresholds, and causal factor analyses/responses, which should then be then addressed in Table 2-15 at a greater level of detail suitable for implementation at the field office resolution.
52	Ch. 2	2.5.13	N/A	2-121	Adaptive Management	The DEIS states: "The BLM's use of a population threshold as a proxy for habitat conditions…" The BLM will use TAWS as the tool to identify if habitat conditions, not climatic conditions, are influencing population trends. That is, the DEIS indicates that a TAWS detection indicating a decoupling of a neighborhood population cluster's negative trend from its climate cluster trend would alert that habitat conditions potentially not detected by a habitat threshold are likely causal factors (e.g., wildfire). However, other non-habitat and non-climate factors, such as disease, could also cause a localized decoupling and require a robust causal factor analysis. Recommend that the FEIS provide a clear description that a TAWS decoupling indicates that unknown factors other than the broader climatic trend could be additionally influencing a neighborhood cluster's negative population trend.
53	Ch. 2	2.5.13	Table 2-15	2-122	Adaptive Management	For Alternatives 3, 4, and 5, "Baselines for calculating sagebrush habitat loss will be determined by LandFire data and from the most recent year prior to publication of the RODs." Will the most recent year prior to publication be the habitat baseline for the life of the plan? How would this account for clusters that gain habitat through restoration efforts, but then incur subsequent loss (e.g. due to fire). Is the conservation objective of this plan to maintain habitat at 2024 levels?
54	Ch. 2	2.5.13	Table 2-15	2-122	Adaptive Management	For Alternatives 3, 4, and 5, "Baselines for calculating sagebrush habitat loss will be determined by LandFire data and from the most recent year prior to publication of the RODs." This establishes a baseline for habitat, is there a baseline for population thresholds? Will all clusters reset prior to the publication of the RODs or will their recent history be considered and evaluated against threshold tripping/disengaging criteria, to determine threshold status at the time of ROD publication?
55	Ch. 2	2.5.12	Table 2-15	2-125	Adaptive Management	Please provide greater clarity on the process of completing a rapid assessment following an adaptive management threshold being met. It is unclear what the methodology for completing a rapid assessment is or who may complete a rapid assessment (e.g. specific individuals or a multi-disciplinary team). The document identifies that a rapid assessment should be completed within 60 days (or less) of a threshold being met and is used to identify "obvious" causes. Without detailed methodology for how to complete this assessment, as well as clear instructions on who may complete a rapid assessment, the process may lead to rash or subjective judgements that could incorrectly identify the cause and limit public land uses.
56	Ch. 2	2.5.12	Table 2-15	2-125	Adaptive Management	Table 2-15 contains the following language under "Adaptive Management Responses" for Alternatives 3-6, "Existing permitted activities can continue unless those activities are causing mortality to GRSG or direct loss or degradation of occupied GRSG habitat" Please remove this language from Alternatives 3-6. ISDA is concerned that this language leaves room for subjective judgement and decision-making relative to existing permitted uses when an adaptive management threshold has been met. Existing permitted uses, including livestock grazing, should not be removed or modified until a causal factor has been identified through either a rapid assessment or a full causal factor analysis. Only if livestock grazing has been identified as a significant causal factor in an adaptive management threshold being met through a rapid assessment or CFA should existing management be evaluated and/or modified to meet or make progress towards meeting LHS for SSS as described in Management Actions RM 1 and 2 in Table 2-12. Also, please consider the effects of this language from Alternatives 3-6 on the State Endowment leases that are often tied to BLM permits. IDL is responsible for the management of over 1,100 grazing leases across Idaho that span through all habitat management areas and generate funds for the endowments as specified in the state constitution. These leases are often issued in conjunction with federal permits, and therefore rely on the continued permitting of livestock production on BLM land. IDL is also concerned that this language leaves room for subjective judgement and decision-making relative to existing permitted uses when an adaptive management threshold has been met. The removal of existing permitted uses, including livestock grazing, would have a significant effect on IDL's ability to generate funds through grazing leases on endowment land interspersed throughout the effected federal land.

57	Ch. 2	2.5.12	Table 2-15	2-128	Adaptive Management	Table 2-15 contains the following language under "Inconclusive CFAs" for Alternatives 3-6, "If no cause for a habitat or population decline can be determined the BLM may consider implementing additional restrictions on existing or new authorizations in the area, consistent with permits/surface use rights in coordination with the permit holder and the state wildlife management agency." ISDA is concerned that this language leaves room for subjective judgement and decision-making relative to existing permitted uses. Existing permitted uses, including livestock grazing, should not be modified unless there is direct evidence that identifies that permitted use as being a significant causal factor in not meeting LHS for SSS. Further data analysis/collection must be performed following an inconclusive CFA. Also, please consider the effects of this language on the State Endowment leases that are often tied to BLM permits. IDL is responsible for the management of over 1,100 grazing leases across Idaho that span through all habitat management areas and generate funds for the endowments as specified the state constitution. These leases are often issued in conjunction with federal permits, and therefore rely on the continued permitting of livestock production on BLM land. IDL is concerned that this language leaves room for subjective judgement and decision-making relative to existing permitted. The removal of existing permitted uses, including livestock grazing, would have a significant effect on IDL's ability to generate funds through grazing leases on endowment land interspersed throughout the effected federal land.
58	Ch. 2	2.6	N/A	2-129	State-Specific Circumstances	Differences in management tools or approaches specific to a given state is specified as one of three bulleted categories of state-specific circumstances (with examples provided) that may warrant consideration at the state level rather than range-wide level. Approaches for monitoring GRSG population status and assessing thresholds of when and where adaptive management actions might be warranted per subsequent causal factor analyses currently differ among states (see DEIS Section 2.5). Although state-specific, these differing GRSG monitoring and adaptive management approaches otherwise meet the purpose and need of improving GRSG conservation. It is recommended that the FEIS clarify why the existing GRSG monitoring and adaptive management approaches managed by state wildlife agencies do not warrant consideration at the state level than range-wide level (i.e., TAWS).
59	Ch. 2	2.6	N/A	2-129	State-Specific Circumstances	A subsection formatting and numbering error occurs for Colorado, which affects subsequent state subsections. Colorado appears to need to subsection 2.6.1, and subsequent state-specific subsections need to be renumbered (e.g., Idaho should be 2.6.2 rather than 2.6.1).
60	Ch. 2	2.6	Table 2-16	2-133	State-Specific Circumstances	Reference to Alternative 5a should be changed to Alternative 6.
61	Ch. 2	2.6.1	Table 2-19	2-151	Idaho State Specific Circumstances	Making an exception in PHMA to MD SSS 29 and 30, does not solve the problem of requiring counties to provide mitigation to get gravel with free use permits in IHMA even though it is classified as open, this is due to IHMA still being subject to MD SSS 30. An exception to MD SSS 30 should be made to new and expansion of free use permits for counties in IHMA.
62	Ch. 2	2.6.1	Table 2-19	2-151	Idaho State Specific Circumstances	BLM should carve out the Caldwell Canyon Mine from compliance with the conservation measures outlined in the draft RMPA, as it did for the Gateway West and Boardman to Hemingway transmission projects in the 2015 ARMPA. The Caldwell Canyon Mine is important to the local and state economy, as well as the national phosphate supply. The carve out is necessary to avoid duplicitous or even contradictory analysis because conservation measures for sage-grouse are already being analyzed through the project's NEPA review to achieve a net conservation gain to the species under the 2015 ARMPA. Additionally, the State's review of the area under the new WAFWA definitions found that no active leks would be impacted by the project.

63	Ch. 2	2.6.1	Table 2-19	2-151	Idaho State Specific Circumstances	Under Alternative 5, the purpose for having an Idaho state-specific circumstance for Mineral Resources is to ensure reasonable access to mineral materials (e.g., sand/gravel pits) sources on BLM administered-lands (including PHMA, IHMA, and GHMA) by jurisdictional road maintenance entities such as counties and highway districts. Compared to industrial scale anthropogenic developments and disturbances, these sand/gravel pits are typically located along an existing public roads, relatively small in size and scope, and used relatively infrequently. Therefore, it is recommended for the FEIS that the allocation in Table 2-19 facilitates public road maintenance with a stand-alone RMPA management decision specific to the BLM issuance of free use mineral material permits for operating existing sand/gravel pits, expanding existing sand/gravel pits, and creating new sand/gravel pits for jurisdictional road maintenance entities. The DEIS/RMPA allocation and decision should include appropriate GRSG conservation measures that avoid and minimize adverse effects as balanced with motorist safety needs for public road maintenance. The following Alternative 5 allocation and associated conservation measures for the permitting and use of mineral materials for road maintenance are provided as examples for consideration in the FEIS/RMAP: To support maintenance of existing local roads and ensure public safety, PHMA, IHMA, and GHMA will be open to free use permitting for (1) continued operation of existing, (2) expansion of existing, and (3) creation of new mineral materials developments (i.e., sand/gravel pits) by jurisdictional road maintenance entities per the following criteria: - Siting of road maintenance sand/gravel pits should adhere to the following preferential order to the extent practicable: (1) non-HMA, (2) collocated with existing anthropogenic disturbance in HMA, (3) non-habitat within GHMA, (4) GHMA, (5) unsuitable habitat within IHMA, (6) unsuitable habitat within PHMA, (7) IHMA, and (8) PHMA. - Application of appropriate FEIS/RMPA RDFs, BMPs, and Appendix 19 Lek Buffers. - No disturbance cap is exceeded within the associated fine-scale HAF area. - No compensatory mitigation will be required if less than 50 acres and sited within 1/2 mile of an existing public road and outside of applicable lek buffers as subject to justifiable departures per FEIS/RMPA Appendix 19. - Note that mineral material developments for road maintenance that meet the above criteria are exempted from MD SSS 29 (Anthropogenic Disturbance Screening Criteria) and MD SSS 30 (Anthropogenic Disturbance Development Criteria) in the interest of public safety.
64	Ch. 4	All; 4.2.6, 4.4.6, 4.8.6, 4.14.6, 4.15.6	N/A	Multiple	Multiple	Alternatives 5 and 6 are often presented together even though they have separate allocations (ex. 4.2.6, 4.4.6, 4.8.6, 4.14.6, 4.15.6). Recommend separating Alternatives 5 and 6 if they have different allocations to avoid confusion, or explicitly state that the allocations for both Alternatives 5 and 6 are the same.
65	Ch. 4	4	N/A	Multiple	Multiple	Protective lek buffers specified and analyzed in Appendix 19 are presented throughout Chapter 4 as key conservation measures to avoid and minimize adverse impacts to GRSG populations in Idaho from various forms of infrastructure construction, operations, and maintenance. Recommend that the FEIS carefully perform and disclose a thorough analysis, in coordination with the State of Idaho, of the adequacy and scientific justification of the lek buffer distances specified for Idaho in Appendix 19, particularly for Alternative 5 while being cognizant of Idaho's three tiered habitat approach.
66	Appendix 2	2.2	N/A	2-ID-5	Idaho RMPs	Need to discuss MD SSS-1 in regards to Conservation Areas. What happens to Conservation Areas? What is their purpose if TAWS or HAF is used? How does removing Conservation Areas affect mitigation in the terms of Service Area?
67	Appendix 2	2.2	N/A	2-ID-7	Idaho RMPs	Need to discuss MD SSS 6 in terms of BSUs. The column Potential for Change in the 2023 Plan says no proposed Change, but BSUs do not serve a purpose if Alternative 5 is chosen. - Remove mention to BSUs. Need to establish what baseline will be - sagebrush cover the year the ROD is signed? This should be clarified.
68	Appendix 2	2.2	N/A	2-ID-8	Idaho RMPs	Need to discuss MD SSS 8 and the Key Habitat map. The column Potential for Change in the 2023 Plan says no proposed Change, but Key Habitat needs to be updated and seems that if TAWS is chosen key habitat will be obsolete. Section 2.5.13 of the DEIS pg. 2-120 states to assess sagebrush habitat availability the BLM will use geospatial data ...
69	Appendix 2	2.2	N/A	2-ID-8	Idaho RMPs	MD SSS 10 was deleted in the 2019 plan. The column Potential for Change in the 2023 Plan says Potential change under Alternatives 3, 4, 5 & 6. Recommendation: It should remain deleted in this plan as well.
70	Appendix 2	2.2	N/A	2-ID-8	Idaho RMPs	Need to discuss MD SSS 13 and the reference to the Key Habitat map. The column Potential for Change in the 2023 Plan says no change proposed, but based on the information in the DEIS TAWs will be used to track and identify habitat changes to assess the habitat trigger, not Key habitat. Recommendation: The mention to Key Habitat should be removed and replaced with the scale or tool that will track and identify habitat changes.

71	Appendix 2	2.2	N/A	2-ID-9	Idaho RMPs	Need to discuss MD SSS 16 in terms of BSUs and Key Habitat. Does this change to neighborhood clusters? This should be clarified for the Idaho specific circumstances.
72	Appendix 2	2.2	N/A	2-ID-11	Idaho RMPs	Need to discuss MD SSS 22 and if IHMA will continue to be upgraded to PHMA when a threshold is tripped in the new system. This should be clarified whether this will occur.
73	Appendix 2	2.2	N/A	2-ID-12	Idaho RMPs	MD SSS 26 discusses when a trigger crosses state lines. It is unclear how the TAWS will address when a threshold in a neighborhood cluster that crosses state lines is met. This should be clarified.
74	Appendix 2	2.2	N/A	2-ID-14	Idaho RMPs	Need to discuss MD SSS 29. The column Potential for Change in the 2023 Plan says no change proposed, but MD SSS29 criteria (a) contains Conservation Areas and three year periods for assessment which goes against the TAWs approach in Alt 5. This criteria should be updated and reviewed with the State before the FEIS.
75	Appendix 2	2.2	N/A	2-ID-15	Idaho RMPs	Need to discuss MD SSS 30. The column Potential for Change in the 2023 Plan says no change proposed, but MD SSS 30 criteria (c) contains the reference to a no net loss in key habitat which may not be the best approach for mitigation when utilizing the HQT. The tool looks at functional acres overall and not just key habitat. Also, key habitat does not align with the TAWs approach in Alt 5 and thus the key habitat reference should be removed. This criteria should be updated and reviewed with the State before the FEIS.
76	Appendix 2	2.2	N/A	2-ID-17	Idaho RMPs	MD SSS 41 discusses key habitat map updates in the context of adaptive management triggers. The column Potential for Change in the 2023 Plan says no change, but having key habitat as a variable to assess population and habitat thresholds in the TAWs does not align.
77	Appendix 2	2.2	N/A	2-ID-17	Idaho RMPs	MD SSS 42 discusses supporting key habitat map updates. The column Potential for Change in the 2023 Plan says no change, but the way the Key Habitat map is currently, it is something that should no longer be used. This MD should be removed or updated to recognize a better way of tracking vegetation changes in relation to sage-grouse habitat.
78	Appendix 2	2.2	N/A	2-ID-18	Idaho RMPs	MD SSS 44 has language for adaptive management triggers. If Alternative 5 and thresholds are adopted, this language should be changed from triggers to thresholds.
79	Appendix 2	2.15	N/A	2-UT-41	Utah RMPs	Reference to Alternative 5a should be changed to Alternative 6 in the FEIS.
80	Appendix 3	3.2	N/A	3-3	IDAHO	The last sentence in this section needs a small clarification. BLM used the State of Idaho's final draft for HMA designations for Alternative 5 without modification and for Alternative 6, with BLM's addition of ACECs within PHMA.
81	Appendix 3	3.2.1, 3.2.3	N/A	3-3, 3-6	Data Sources, Literature Cited	In-text citations are missing for sagebrush cover and annual grass models listed under section 3.2.1 Data Sources. Please edit as follows (new text is underlined): 1) Sagebrush cover (Rangeland Condition Monitoring Assessment and Projection [RCMAP] 2020, 2021; Rigge et al. 2022). 2) Annual grass cover (RCMAP 2020; Rigge et al. 2022). Related to the above changes, please make the following edits to 3.2.3 Literature Cited on page 3-6: 3) Replace Rigge et al. 2021a with "Rigge, M.B, B. Bunde, K. Postma, and H. Shi. 2022. Rangeland Condition Monitoring Assessment and Projection (RCMAP) Sagebrush Fractional Component Time-Series Across the Western U.S. 1985-2021. U.S. Geological Survey data release, https://doi.org/10.5066/P9ODAZHC". 4) Remove the Rigge et al. 2021b reference; it is related but unnecessary.
82	Appendix 3	3.2.2	N/A	3-4	HMA for Alternative 4	The 2015 ARMPA definitions for PHMA, IHMA, and GHMA may only include "BLM-administered lands" as written on page 3-4, but the HMA map under Alternative 4 includes more than just BLM ownership, which can be interpreted as misleading.
83	Appendix 3	3.2.2	N/A	3-5	HMA for Alternatives 5 and 6	HMA mapping methods for Alternatives 5 and 6 should be in separate sections even though they are related. The methods in the DEIS describe the State of Idaho's process to develop the HMA map for Alternative 5. Though BLM used this as the starting point for Alternative 6, they mapped ACECs within PHMA to create a 4-tiered system (i.e., ACEC, PHMA, IHMA, GHMA), which differs from the State's HMA map under Alternative 5 (and the description provided). The process by which ACECs were mapped is lacking and should be added or, at very least, reference Appendix 5 (Vol 3 Idaho section begins on page 5-13).

84	Appendix 3	3.2.2	N/A	3-5	HMA for Alternatives 5 and 6	For clarity, please adjust text in paragraph 3 according to these tracked changes: "This HMA map was based on IDFG's "Biology Map" (version 03/08/2023), which describes GRSG habitat extent (i.e., space use) in Idaho, ~~with~~ and the BLM's 2019 GRSG HMA ~~applied~~ map, then revised ~~Between draft and final HMA maps, the State of Idaho refined the HMA extent further. HMAs were updated~~ using new science (see 3.2.1 Data Sources) and state policy direction. HMA types reflect breeding bird density (indexed by male lek attendance), habitat quality (suitability, the extent, configuration, and degree of fragmentation), GRSG occupancy, and movement patterns. ~~Data sources used are those listed under GRSG observations, Habitat suitability models, and remote sensing habitat models (see details listed above).~~" The last sentence only identified a subset of data the State of Idaho used, so it is best to cross-reference section 3.2.1 Data Sources.
85	Appendix 3	3.2.3	N/A	3-6	Literature Cited	Please make the following corrections, as underlined: 1) Idaho Department of Fish and Game (IDFG). 2019a. Modeling sage-grouse habitat suitability at the local scale. Appendix B in State of Idaho. 2021. Idaho Sage-Grouse Habitat Quantification Tool (HQT) Scientific Methods Document, v 1.1. Prepared by HQT Science Team and Environmental Incentives, LLC. South Lake Tahoe, CA, with assistance from Willamette Partnership. 2) Idaho Department of Fish and Game (IDFG). 20202. Greater sage-grouse breeding bird density, 2016-2020. Digital raster datasets. IDFG, Boise, Idaho.
86	Appendix 4		N/A	4-4	Lek Status Definitions Crosswalk	Definition of "active lek" is not as in Cook et al. 2022. In Table as *"A lek that has ~~more than~~ 2 or more males counted during two of more lek counts within the last 10 years."* Should read as "A lek that has 2 or more males counted during 2 or more years withing the last 10 years." Also incorrect under the MT/WY definitions comparison.
87	Appendix 4	4.2.5	N/A	4-29	Lek Status Definitions Crosswalk	The text incorrectly states, "The BLM would alter management objectives and actions to minimize, reduce, or correct for any impacts to GRSG and habitat, managing livestock grazing to meet or make progress towards meeting the GRSG habitat objectives." Instead the text should refer back to the alternatives in Chapter 2 and reference Land Health Standards for SSS instead of GRSG habitat objectives.
88	Appendix 4	4.3.2	N/A	4-39	Lek Status Definitions Crosswalk	The text incorrectly states, "This would include or adjust permit terms and conditions needed to meet land health standards and GRSG habitat objectives." Instead the text should refer back to the alternatives in Chapter 2 and reference Land Health Standards for SSS only.
89	Appendix 4	4.7.1	N/A	4-62 to 4-63	Lek Status Definitions Crosswalk	The text states, "Similar to livestock grazing, wild horse and burro grazing has similar impacts in terms of their effects on soils, vegetation health, species composition, water, and nutrient availability by consuming vegetation, redistributing nutrients and seeds, trampling soils and vegetation, and disrupting microbial systems". Properly managed livestock grazing and wild horses and burros do not have similar impacts on soils, vegetation health, species composition, etc. Wild horse and burro populations are frequently at or above AMLs and may have severe, negative impacts on vegetation health, species composition, and water, while properly managed livestock grazing can have benefits to fine fuels management, invasive species management, insect richness and composition, etc. A wild population is not the same as a domestic, managed population of grazing animals.
90	Appendix 4	4.8.5	N/A	4-74	Lek Status Definitions Crosswalk	The text incorrectly states, "For example, in HMAs, livestock grazing would be managed toward meeting land health standards the GRSG habitat objectives…". The text should refer back to the language included in the alternatives in Table 2-12 in Chapter 2. Remove reference to GRSG habitat objectives and reference Land Health Standards for SSS only. In fact, all Livestock Grazing Management paragraphs under section 4.8.5 introduce concerning language that is not consistent with the language that is included in the alternatives in Table 2-12. For example, the language that states, "This could lead to prohibition of range improvement construction as well as adjustments to existing AUMs to meet these management objectives." This language is inconsistent with the language provided in Alternatives 4 and 5 in Chapter 2 and seems to give the BLM a greater latitude to make unwarranted modifications to livestock grazing permits and infrastructure. Please modify this language so that it is consistent with the language included in the alternatives in Table 2-12 in Chapter 2.
91	Appendix 5		Figure 5-3	5-50	ACECs	Figure 5-3 title references potential ACECs in relation to Alternatives 5 and 6. The title should reference Alternative 6 only. Alternative 5 does not have any proposed ACEC designations.

92	Appendix 8		Table 8-1B	8-4	Greater Sage-Grouse Habitat Indicators and Benchmarks	For Idaho, the Seasonal Habitat Indicator and Benchmarks table notes that the benchmark for adequate perennial grass and forb height during nesting and early brood rearing is greater than or equal to 7 inches. The 2019 plan was changed to read adequate nest cover and should have carried forward into this DEIS. Why does Idaho have a numerical value threshold when other states have less restrictive language for the same indicator like "adequate nest cover based on ecological site potential and seasonal precipitation" (Montana/Dakotas/Billings) or "provide overhead and lateral concealment from predators" (Utah) or "Reference state as determined by ecological site potential in consideration of annual variability; robust cool-season bunchgrass understory necessary for adequate herbaceous height" (Wyoming). Idaho, Utah, and Wyoming even cite two of the same pieces of literature as evidence, so why do our benchmarks differ? The benchmark in Idaho should be changed to read adequate nest cover.
93	Appendix 10	10.2-10.6	N/A	10-3 through 10-42	Chapter 4 Methodologies	The comment "For management actions not specifically described below, the effects would remain as described in the 2015 and/or 2019 plans" is in many sections. While best practice would be to replicate those sections here for completeness, if not, you should at minimum identify those management actions and their sections in the 2015 and 2019 plans. It is confusing if actions are mentioned in both plans which the BLM would adopt. If that text is omitted from other sections, such as 10.7-10.20, can they be assumed to be fully complete here?
94	Appendix 10	10.4	N/A	10-5	Wildland Fire Ecology and Management	The Methodology section is missing. This section should contain some mention of management actions not described being contained in 2015 and 2019 plans because it was specified that Wildfires and Invasive Grasses were not addressed or modified in this effort. Indicators should also include some mention of Wildfire acreage and condition, and extent of habitat fragmentation due to wildfires.
95	Appendix 10	10.21	Table 10-1	10-26, 10-27,10-30, 10-40 etc.	Summary of Environmental Consequences	Alternative 5 says the impacts would be similar to Alternative 4 with less acres managed as NSO. However In Alternative 4 it says that more acres are managed as NSO when compared to Alternatives 1 and 2. Does this mean that Alt 5 actually has similar acres to Alternatives 1 and 2? How does the NSO acreage in Alternative 5 compare with Alts 1 and 2? In general if Alternative 5 is compared to Alternative 4 which references Alts 1 and 2, it would be more useful to also compare 5 with those Alternatives.
96	Appendix 10	10.21	Table 10-1	10-35,10-36	Summary of Environmental Consequences	Wording seems to be missing under livestock grazing on allotments, it is confusing how jobs are affected. Check references to Appendices (they are X instead of numbers).
97	Appendix 15	15.1.3	N/A	15-3	Design Features for Range Developments	In Appendix 15 at 15.1.3 Design Features for Range Developments, it states that new livestock handling facilities must be located “away from active leks and outside of nesting habitat at least by 1.2 miles.” Having the wording outside of nesting habitat goes beyond the lek buffer distances for Idaho in Appendix 19 for low structures by HMA and adds an unneeded level of regulation above and beyond the already established buffer. The wording outside of nesting habitat should be removed and the remaining language around 1.2 miles from active leks RDF should be accompanied by a qualifier stating, “to the extent possible.” Having this as an RDF outside of the Idaho buffers removes BLM's ability to use justifiable departures and microsite facilities using topographic barriers or to collocate with other disturbance, also this buffer may make it impracticable to install needed facilities in the appropriate location, possibly due to allotment boundaries.
98	Appendix 18	18.3	N/A	18-4, 18-7, 18-8	Methodologies by Resource Use	Reference to Alternative 5a should be changed to Alternative 6 in the FEIS.
99	Appendix 19	19.1	N/A	19-1	Lek Buffers	Recommend stating the source of the Appendix B referenced in the subsection's first sentence (e.g., 2015 or 2019 ARMPA).
100	Appendix 19	19.1.1	N/A	19-1	Lek Buffers	Lek definitions are only provided for Alternatives 1 and 2 without explicitly stating that the other alternatives would apply the new WAFWA lek definitions in DEIS Appendix 4. Therefore, it is recommended that this subsection be expanded in the FEIS to summarize the lek definitions and categories that would apply to each alternative and furthermore state in the FEIS to the effect that the new WAFWA lek definitions in DEIS Appendix 4 as administered by the State of Idaho will be applied to the FEIS's selected alternative and implemented in the Idaho ROD.

101	Appendix 19	19.2 through 19.5	Table ID-2	19-1 through 19-8	Lek Buffers	All Alternatives in Table ID-2 (pages 19-7 and 19-8) should be in separate columns; they have different geometries, different HMA types (e.g., Alt 3 is all PHMA unlike Alt 4; Alt 5 has 3 tiers whereas Alt 6 has 4), and lek buffer policies according to text on page 19-2 which states, "Under Alternatives 3, 4, and 6, any *active* and *pending active* leks would be evaluated whereas under Alternative 5, lek buffers would only apply to *active* and *pending active* leks within HMA." There should be a note in Alts 3 and 6 how leks in ACECs were handled (e.g., were they considered to be PHMA for the analysis or should they be split out?). We also recommend the table present the number, in addition to the proportion, of active and pending active leks by HMA Type, which would allow the user to calculate other stats of interest, e.g., % of all leks subject to buffers in PHMA. In addition, it would be useful to report the number and % of total males within applied lek buffers using lek survey data (e.g., 2023) to demonstrate differences among the Alternatives to affected breeding populations. For example, in Alternative 5 PHMA encompasses 85% of total males counted in 2023 compared to 80% under the current 2015 Plan (Alternative 1), and thus, provides more protection. Based on IDFG data, some numbers in Table ID-2 are incorrect for Alternative 5. Recommend that BLM-Idaho contact the State of Idaho to address this comment.
102	Appendix 19	19.2.1	N/A	19-1	Lek Buffers	For the definition of an active lek, change "two or more males counted during two or more lek counts" to " two or more males counted during two or more years".
103	Appendix 19	19.2.2	N/A	19-2	Lek Buffers	For clarity, please adjust text in paragraph 2 according to these tracked changes: "Alternatives 5 and 6 also ~~includes~~ incorporate~~s~~ changes to lek buffer distances ~~in the~~ drawn from the 2021 Idaho Sage-grouse Plan"
104	Appendix 19	19.2.2	ID-1	19-2, 19-3	Lek Buffers	In text and table, provide definitions for major and minor linear feature categories.
105	Appendix 19	19.2.2	N/A	19-2	Lek Buffers	Paragraph 4: Language should be updated to reflect changes to adaptive management section (i.e. thresholds instead of triggers, neighborhood lek clusters for habitat thresholds).
106	Appendix 19	19.2.2	ID-1	19-3	Lek Buffers	Table ID-1: Tall Structures: For clarity, suggest aligning structure type name with corresponding row containing buffer values.
107	Appendix 19	19.3.1	N/A	19-4	Lek Buffers	For clarity, suggest moving "For Actions in GHMA" to be located after "For Actions in PHMA/IHMA", given the order HMA buffers appear in 19.4 and in Table ID-1.
108	Appendix 19	19.3.1	N/A	19-4	Lek Buffers	In "For Actions in GHMA": The dash sub-bullets under Bullet 2, "-impacts should be first avoided by...." and "-if it is not possible to relocate...." are repeats of Bullets 1 and 2. Consider removing these sub-bullets and move the next set of open circle sub bullets on pg. 19-5 to appear directly under Bullet 2.
109	Appendix 19	19.3.1 and 19.4.1	N/A	19-5 and 19-7	Lek Buffers	Bullet 3 under "For Actions in PHMA and IHMA": in regards to range improvements that do not impact GRSG, instead of "meet the lek buffer requirement", we suggest the wording "exempt from the lek buffer requirement".
110	Appendix 19	19.4	N/A	19-6	Lek Buffers	The DEIS does not explain what the 2-mile feasibility/practicality conditions are within IHMA and GHMA. The BLM should work with the State of Idaho to develop what the feasibility and practicality conditions would be and how to make them scientifically justifiable while maintaining flexibility for public land users.
111	Appendix 19	19.4.1	N/A	19-6	Lek Buffers	Recommend providing a separate bullet in PHMA/IHMA/GHMA for low structure to maintain consistency with Table ID-1.
112	Appendix 19	19.5	ID-2	19-7	Lek Buffers; Chapter 3. Affected Environment	Appendix 19 protective lek buffers would only apply to BLM administered lands (surface and subsurface). However, the numbers and distribution of leks provided by alternative and HMA do not differentiated leks based on land ownership. It is recommended that additional information be provided for readers to understand the numbers of leks per HMA for which Appendix 19 buffers would apply.
113	Appendix 19	19.6.1	ID-3	19-11	Lek Buffers	Suggest combining Alt 4 and Alt 5 into one landscape oriented table for easier comparison between Alts.
114	Appendix 19	19.6.1	N/A	19-11	Lek Buffers	Last paragraph: "....Alternative 5 would not include buffers for noise....". This paragraph should be edited to include a statement that noise decibel restrictions are part of RDFs that will be carried from the 2019 ARMPA Appendix C-1.

Idaho State Legislature
700 West Jefferson Street
P.O. Box 83720
Boise, Idaho 83720

June 13, 2024

Via BLM ePlanning Website Submission

Bureau of Land Management
Utah State Office
Attn: HQ GRSG RMPA
440 West 200 South, #500
Salt Lake City, UT 84101

Re: Notice of Availability of the Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Range Wide Planning

To Whom It May Concern:

On behalf of the Idaho Legislature, we respectfully submit the following comments on the Bureau of Land Management's ("BLM") Greater Sage-Grouse Draft Resource Management Plan Amendment ("RMPA") and Environmental Impact Statement ("EIS"). We appreciate the opportunity to comment.

STATEMENT OF INTEREST

Conservation of the Greater Sage-Grouse ("sage-grouse") has been and remains a top priority of the Idaho Legislature and its constituents. As part of that endeavor, Idaho has worked closely with the federal government for over a decade to identify and implement effective conservation solutions while standing firm against those measures that do not protect Idaho's unique interests on and off federal land.[1] As elected representatives, it is our responsibility to translate public will into public policy. In this case, that responsibility is an obligation to ensure

[1] Idaho Dep't of Fish and Game, *Idaho Sage-grouse Task Force*, https://idfg.idaho.gov/conservation/sage-grouse/task-force (last visited June 12, 2024).

that sage-grouse conservation is undertaken responsibly with due consideration for Idaho's unique ecological conditions.

Accordingly, the following comments focus primarily on the implications and considerations that are specific *to Idaho*. Given the exceptionally short period of time provided for review (90 days), this letter should not be taken as our exhaustive commentary on these issues nor the overall sufficiency of the RMPA/EIS.[2] Absent time for a more thorough review, we respectfully reserve the right to challenge any additional issues that are identified at a later date.

RELEVANT HISTORY

In 2010, the United States Fish and Wildlife Service determined sage-grouse warranted listing under the Endangered Species Act, but was precluded from listing due to other priorities.[3] One year later, BLM initiated a land use planning process and assembled the National Technical Team ("NTT") to review the scientific information that was available at that time. As part of this review, NTT created "A Report on National Greater Sage-Grouse Conservation Measures," also known as the National Technical Team Report ("NTT Report").[4] With respect to the applicability of that Report, BLM's guidance noted that "while [the NTT Report's] conservation measures are range-wide in scale, it is expected that at the regional and sub-regional planning scales there may be some adjustments of these conservation measures in order to address local ecological site variability."[5] Though the NTT Report was never intended to be an inflexible standard devoid of any considerations that account for range variability, it has, in our opinion, since been utilized to do exactly that.

In 2012, and upon the invitation of the Department of the Interior ("DOI"), Idaho's Governor prepared a conservation and management plan (the "Idaho Plan"). The Idaho Plan emphasized that efforts to conserve habitat do nothing to address the primary threat to sage-grouse,

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[2] The EIS was made available for public comment on March 15, 2024, and the comment period officially closes on June 13, 2024. Bureau of Land Mgmt., Nat'l NEPA Reg., *2021 Greater Sage-grouse Land Use Plan Amendments*, https://eplanning.blm.gov/eplanning-ui/project/2016719/510 (last visited June 12, 2024).

[3] Bureau of Land Mgmt., *Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement, Appendix 6 NTT, COT, and USGS Science Incorporation* (Mar. 2024), https://eplanning.blm.gov/public_projects/2016719/200502020/20105900/251005900/GRSG%20DEIS%202024_Vol%203_App06_COT%20and%20NTT_508.pdf ("Appendix 6").

[4] Bureau of Land Mgmt. Sage-grouse Nat'l Tech. Team, *A Report on National Greater Sage-Grouse Conservation Measures* (Dec. 21, 2011), https://www.blm.gov/sites/blm.gov/files/uploads/IM%202012-044%20Att%201.pdf.

[5] Bureau of Land Mgmt., *BLM National Greater Sage-Grouse Land Use Planning Strategy*, Instruction Memorandum No. 2012-044 (Dec. 27, 2011), https://www.blm.gov/policy/im-2012-044.

which is wildfire.[6] The Idaho Plan took a multi-faceted, science-based approach that was rooted in "crafting a robust, outcome based, scientific strategy that is collaborative and adaptive."[7] Notably, this Plan, and Idaho's strategy, has always focused on the importance of crafting a state-specific protocol because a uniform approach fails to account for the unique and varied needs of the diverse western states and their respective landscapes.

In 2013, the merits of this strategy were recognized when Idaho's Plan was selected as a co-preferred alternative in the Idaho and Southwestern Montana Sub-Regional Greater Sage-Grouse Draft Land Use Plan Amendment and Environmental Impact Statement[8] – but unfortunately, in 2015 the federal government changed gears and replaced this state-specific approach with a one-size-fits-all plan.[9]

In 2017, the Department of the Interior issued a series of Secretarial Orders that, among other things, created a team to review the federal land management agencies' Sage-Grouse plan amendments and revisions completed on or before September 2015 to "enhance cooperation with the States by modifying the approach to Greater-Sage-Grouse management in existing RMPs to better align with individual state plans and/or conservation measures and DOI and BLM policy."[10] House Joint Resolution 44, signed by President Trump on March 27, 2017 also rescinded BLM's Resource Management Planning Rule.[11] In 2019, BLM revised the 2015 plans, in part to "build flexibility in coordinating various states' wildlife management laws and policies."[12] On March

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[6] Idaho Dep't of Fish and Game, *Federal Alternative of Governor C.L. "Butch" Otter for Greater Sage-Grouse Management in Idaho* (Sept. 5, 2012), https://idfg.idaho.gov/sites/default/files/old-web/docs/wildlife/SGtaskForce/alternative.pdf.

[7] Letter from Brian T. Kelly, Idaho State Supervisor, U.S. Fish and Wildlife Serv., to C.L. "Butch" Otter, Governor of the State of Idaho (Apr. 10, 2013), https://sagebrusheco.nv.gov/uploadedfiles/sagebrusheconvgov/content/Meetings/USFWStoIdahoGov4_10_13.pdf.

[8] 78 Fed. Reg. 65,703 (Nov. 1, 2013).

[9] *See* Record of Decision and Approved Land Management Plan Amendments for the Great Basin Region Greater Sage-Grouse Sub-Regions of Idaho and Southwestern Montana, 80 Fed. Reg. 57,333 (Sept. 23, 2015) and the Record of Decision and Approved Resource Management Plan Amendments for the Great Basin Region Greater Sage-Grouse Sub-Regions of Idaho and Southwestern Montana, 80 Fed. Reg. 57,633 (Sept. 24, 2015) (collectively, "Great Basin ROD"); Bureau of Land Mgmt., *BLM Sage-grouse Plans*, https://www.blm.gov/programs/fish-and-wildlife/sagegrouse/blm-sagegrouse-plans (last visited June 12, 2024).

[10] Bureau of Land Mgmt., *Idaho Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement* ES-2 (May 2018), https://ia903104.us.archive.org/11/items/idahogreatersage00unse_0/idahogreatersage00unse_0.pdf (emphasis added).

[11] Joint Resolution Disapproving the Rule Submitted by the Department of the Interior Relating to Bureau of Land Management Regulations that Establish the Procedures Used to Prepare, Revise, or Amend Land Use Plans Pursuant to the Federal Land Policy and Management Act of 1976, Publ. L. No. 115-12, 131 Stat. 76 (2017).

[12] Bureau of Land Mgmt., *BLM Sage-grouse plans*, https://www.blm.gov/programs/fish-and-wildlife/sagegrouse/blm-sagegrouse-plans (last visited June 12, 2024).

15, 2019, the "Idaho Greater Sage-Grouse ROD and Approved Resource Management Plan Amendment," ("Idaho ROD") was signed by Acting Idaho State Director Peter J. Ditton.[13] The Idaho ROD approved the adoption of amendments to 24 Resource Management Plans in Idaho.[14]

However, in 2021 BLM published its Notice of Intent to develop new Plans, in part based on litigation and subsequent court decisions that enjoined the 2019 updates with direction to reassess the 2019 Plans.[15] In the years since those decisions, BLM has managed sage-grouse according to the 2015 Plans.

The above referenced history is not exhaustive, but it highlights Idaho's continued advocacy for, and the Idaho Legislature's support of, management tools and approaches that are specific to our state. It additionally informs the comments that are set forth below as part of the public comment period for BLM's draft RMPA/EIS. Overall, we hope that these changes do what BLM claims, which is to "build on the most successful components of the 2015 and 2019 plans, incorporate new sage-grouse conservation science and lessons learned, account for changing resource conditions, and balance consistent management across the range with flexibility to address on-the-ground conditions and policies specific to individual states."[16]

COMMENTS

From the beginning, Idaho has maintained that there must be a reasonable balance between state and national interests because a uniform, one-size-fits-all approach to conservation of any kind simply will not work.[17] With these objectives in mind, Idaho has devoted significant resources to identifying strategies that will protect sage-grouse while protecting Idahoans from overly broad and harmful restrictions that are not evidence based and fail to support any real conservation.

That being said, we are encouraged by provisions in the draft RMPA/EIS that appear, at least facially, to address ecological variability. For example, BLM's selection of Alternative 5 as its proposed preferred alternative and its lengthy clarification on the use of the infamous NTT

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[13] Bureau of Land Mgmt., *Idaho Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment* (Mar. 2019), https://eplanning.blm.gov/public_projects/lup/103344/168711/205330/IdahoRODandARMPAMarch2019.pdf.

[14] *Id.*

[15] Notice of Intent to Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statements, 86 Fed. Reg. 66,331 (Nov. 22, 2021).

[16] Bureau of Land Mgmt., *BLM Sage-grouse Plans*, https://www.blm.gov/programs/fish-and-wildlife/sagegrouse/blm-sagegrouse-plans (last visited June 12, 2024) (emphasis added).

[17] *See generally,* Idaho Plan and Letter and Attached Comments from C.L. "Butch" Otter, Governor of the State of Idaho, to David L. Bernhardt, Secretary of the Interior (Dec. 1, 2017), 2018 Public Scoping Comments, Folder 14, https://eplanning.blm.gov/eplanning-ui/project/90121/570.

Report in Appendix 6 both support the use of local data and provide for some modifications of protective measures where warranted. While we leave the more technical comments to our agency and industry friends, we believe it is imperative to note our support for this shift to a more state-specific approach, where the analysis and protective measures properly account for local and regional differences.

As noted in Appendix 6:

> Logical and scientifically justifiable departures from the "typical response," based on local data and other factors, may be warranted when implementing buffer protections or density limits in parts of the species' range.[18]

Relatedly, we support the clarification in Appendix 6 on the proper use of the NTT Report, which has so often been used as a uniform baseline to attack the sufficiency of conservation measures:

> It is critical to clarify that neither the NTT nor the BLM's policy intended that the conservation measures in the NTT Report were to be automatically applied across the range without intervening consideration through detailed land use planning and NEPA analysis. . . . "[W]hile these conservation measures are range-wide in scale, it is expected that at the regional and sub-regional planning scales there may be some adjustments of these conservation measures in order to address local ecological site variability."
>
> . . .
>
> In other words, "the conservation measures described in [the] report are not an end point but, rather, a starting point to be used in the BLM's planning processes[.]"[19]

This critical clarification, along with the emphasis in Alternative 5 on the use of "local data," is a necessary step in the right direction – a step away from a uniform approach that ignores variations in data, even where the results are ineffective or result in more harm. We also support the following provisions of Appendix 19, which describe the pitfalls of utilizing the NTT Report as a rigid baseline in the context of lek buffers:

> Justifiable departures to decrease or increase from these [lek buffer] distances, based on local data, best available science, landscape features, and other existing protections (e.g., land use allocations and state regulations) may be appropriate for determining activity impacts. The USGS report recognized "that because of variation in populations, habitats, development patterns, social context, and other factors, for a particular disturbance type,

[18] Appendix 6 at 6-2 (quoting USGS Open File Report 2014-1239 at 2) (emphasis added).

[19] Appendix 6 at 6-1 (emphasis added).

> there is no single distance that is an appropriate buffer for all populations and habitats across the sage- grouse range."[20]

We agree that there is no "single distance" or equation that can be uniformly applied without additional considerations, in regard to lek buffers or otherwise. We therefore support BLM's efforts throughout the draft RMPA/EIS to include analysis that accounts for all relevant data, provides for flexible management practices when warranted, and highlights the flaws in a uniform approach.

CONCLUSION

Though we remain concerned regarding any aspects of the draft RMPA/EIS that provide for a one-size-fits-all approach, we are encouraged by and support those measures that provide for a more flexible, state-specific approach – including those set forth in the proposed preferred alternative (Alternative 5). As noted above, we thank you for the opportunity to comment and reserve the right to challenge any issue that is identified upon further review.

Sincerely,

Hon. Chuck Winder
President *Pro Tempore*
Idaho State Senate

Hon. Mike Moyle
Speaker of the House
Idaho State House of Representatives

[20] Bureau of Land Mgmt., *Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement, Appendix 19 Idaho Buffers Appendix Alternative Language* 19-6 (Mar. 2024), https://eplanning.blm.gov/public_projects/2016719/200502020/20105912/251005912/GRSG%20DEIS%202024_Vol%203_App19_ID_Buffers_Alts_508.pdf (emphasis added) ("Appendix 19").

June 13, 2024

BLM Utah State Office
ATTN: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84101.

Dear Planning Team:

On behalf of the Motorcycle Industry Council[1] (MIC), Specialty Vehicle Institute of America[2] (SVIA), and Recreational Off-Highway Vehicle Association[3] (ROHVA) – together referenced as the Associations, thank you for the opportunity to provide comments on the BLM's Draft Resource Management Plan Amendments (RMPA) and Environmental Impact Statement (EIS) for Greater Sage-Grouse Range wide Planning.

The Associations have a long-standing interest in protection of the values and natural resources found on lands within the planning area, and regularly work with land managers to provide recreation opportunities, preserve resources, and promote cooperation between public land visitors. The Associations also prioritize educating its members and the public about responsible motorized off-highway vehicle (OHV) recreation.

The popularity and value of recreation cannot be denied, and over the last 30 years there has been a massive growth in outdoor recreation on public lands with a significant amount occurring on BLM lands in the planning area. The U.S. Department of Commerce's Bureau of Economic Analysis (BEA) recently released economic data from the Outdoor Recreation Satellite Account (ORSA) for the year 2022 which confirms the largest economic impact in ORSA's history. Outdoor recreation is one of the most powerful economic impact drivers of the U.S. economy.

[1] The Motorcycle Industry Council (MIC) is a not-for-profit, national trade association representing several hundred manufacturers, distributors, dealers and retailers of motorcycles, scooters, motorcycle parts, accessories and related goods, and allied trades.

[2] The Specialty Vehicle Institute of America (SVIA) is the national not-for-profit trade association representing manufacturers, dealers, and distributors of all-terrain vehicles (ATVs) in the United States. SVIA's primary goal is to promote safe and responsible use of ATVs.

[3] The Recreational Off-Highway Vehicle Association (ROHVA) is a national, not-for-profit trade association formed to promote the safe and responsible use of recreational off-highway vehicles (ROVs – sometimes referred to as side-by-sides or UTVs) manufactured or distributed in North America. ROHVA is also accredited by the American National Standards Institute (ANSI) to serve as the Standards Developing Organization for ROVs. More information on the standard can be found at https://rohva.org/ansi-standard/

Exceeding mining, utilities and chemical products manufacturing industries, outdoor recreation is on par with other job-rich industries such as hospitals, transportation, and educational services. These new figures reveal that outdoor recreation generates $1.1 trillion in economic output (2.2% of GDP), 4.98 million jobs and comprises 3.2% of U.S. employees.

The Associations generally support the BLM's identified Alternative 5 as the preferred alternative in this Draft EIS since it best reflects the tone and direction of input submitted by other government agencies, public organizations, state and tribal entities, interested individuals, and cooperating agencies. The preferred alternative highlights the import of decisions made at the local level that balances multiple-use of public with support of range-wide GRSG conservation goals.

The Associations appreciate that in Table 1-1 the BLM decided to rely on recommendations for recreation and travel management received during public scoping that are either already in the existing RMP language from 2015 and 2019, or are not RMP-level decisions (e.g., guidance on site-specific route designations, recommended route densities, limitations on dispersed recreation). Because such actions would be consistent with existing management or are not applicable at the RMP-level, no changes in RMP management actions need to be considered

The Associations appreciate that Alternative 5 wisely avoids including the designation of Areas of Critical Environmental Concern (ACEC) and urges the agency to avoid using this planning process to expand multiple-use lands managed with restrictive ACEC-level protections.

The Associations appreciates that Table 2-4 has acknowledged the import of identifying Open OHV areas during Travel and Transportation Management planning. These Open sites are often located in isolated areas or areas with distinct boundaries or geological features and provide access to important cross-country OHV use on sand dunes, rocky terrain, or play areas.

The Associations believe these Open areas should be identified and excluded from General Habitat Management Areas, Priority Habitat Management Areas, and Important Management Area maps and their related Limited or Closed management prescriptions. Ground-truth maps with Field Office staff to ensure designated or popular OHV Open areas are identified and recreational use is protected.

The Associations also understand that in Chapter 4 - 4.19.1 the types of impacts on recreation can be direct and indirect including activities authorized by a Special Recreation Permit (SRP) and urge the agency to avoid or minimize management actions that alter or prohibit users' opportunities to access recreation areas or participate in cross-country travel-related activities including BLM-administered lands not in a Recreation Management Area.

In closing, the Associations thank the planning team for reviewing our comments and look forward to working with the agency in a collaborative manner in this effort to better manage and protect GRSG habitat while providing sustainable OHV or motorized access to non-motorized recreational activities that will benefit local communities and support their economy.

Sincerely,

Don Amador

Don Amador
Western States Representative
MIC Government Relations
2 Jenner, Suite 150
Irvine, CA 92618
Email: damador@mic.org

June 13, 2024

BLM Utah State Office
ATTN: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84101

Submitted Electronically to DOI-BLM-WO-2300-2022-0001-RMP-EIS

Re: Comments of the Nevada Rural Electric Association on the Bureau of Land Management Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement (*March 15, 2024*).

To Whom It May Concern:

The Nevada Rural Electric Association ("NREA" or the "Association") respectfully submits these comments in response to the Bureau of Land Management's ("BLM") Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement ("Draft RMP/EIS") at *89 Fed. Reg. 18963* (March 15, 2024).

NREA is a statewide trade association representing consumer-owned, not-for-profit utilities and the interests of their customers throughout Nevada. Our membership is comprised of electric cooperatives, public power districts, and municipal utilities, including six electric cooperatives and two public power districts which serve communities located within the Draft RMP/EIS Planning Area[1][2].

Consumer-owned utilities are inherently vested in the long-term sustainability of the communities they serve. Operating without a profit motive, these institutions provide reliable electric service at-cost to areas too sparsely populated to entice the investment of corporate shareholders. The leadership of each of the Association's member-utilities is democratically elected to serve the needs of the local community and does so with a commitment to environmental stewardship.

[1] *Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement, Vol. 2*, Map 1.1a (March 2024).
[2] *NREA Member-Utility Service Areas* at https://www.nrea.coop/about/service-areas/, (2023).

The Association's member-utilities are mission-driven to serve their communities by providing safe, reliable, and affordable electric service. To do so, they operate and maintain a wide array of infrastructure projects, including thousands of miles of powerlines across lands managed by BLM. This infrastructure often traverses the jurisdiction of multiple BLM districts within states and across multiple states due to the remote nature of each member-utility's service territory.

NREA supports BLM's efforts to modernize RMPs where necessary to provide for the conservation of greater sage-grouse (sage-grouse" or "GRSG") habitat while reducing financial and regulatory burdens on consumer-owned utilities. We further support efforts to ensure sufficient regulatory certainty to avoid listing of the GRSG under the Endangered Species Act ("ESA").

The Association presents the following comments on the Draft RMP/EIS and has focused on those proposed management actions that would impact member-utilities' ability to provide electricity to their consumers. NREA further supports comments filed in this matter by its individual member-utilities and the National Rural Electric Cooperative Association ("NRECA"), of which NREA is a member.

Comments of the Association

BLM finalized the "Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment" in 2015 (the "2015 Plan"). The 2015 Plan centralized GRSG management activities around General Habitat Management Areas ("GHMA") and Priority Habitat Management Areas ("PHMA"). GHMA were identified as requiring special management to sustain GRSG populations, whereas PHMA were identified as having the highest value to maintaining sustainable GRSG populations. The 2015 Plan was updated for several states, including Nevada, in the "2019 Sage-Grouse Plan Amendments" (the "2019 Amendments"). The 2019 Amendments were enjoined by the U.S. District Court for the District of Idaho[3] shortly after finalization, reverting management practices back to the 2015 Plan. NREA member-utilities have been operating under the requirements of the 2015 Plan since that time.

In its Draft RMP/EIS, BLM proposes to amend GRSG habitat management procedures in 77 Resource Management Plans across ten Western states. The proposed actions contained therein will have a significant impact upon consumer-owned utilities, which depend on timely approval of and consistent access to powerline Rights-of-Way ("ROWs") on public lands to fulfill their mission to provide safe, reliable, and affordable electricity.

BLM categorizes ROWs as "Major" or "Minor" depending on the scope of the project in question. Major ROWs are utilized for powerlines greater than or equal to 100 kilovolts ("kV"), whereas Minor ROWs are utilized for powerlines under 100 kV. The various alternatives proposed in the Draft RMP/EIS each impact ROWs use differently, with some alternatives requiring avoidance or exclusion of Major and/or Minor ROWs on GRSG habitat.

[3] *Western Watersheds Project et al v. Schneider et al*, US District Court for the District of Idaho, (February 25, 2016).

Analysis of Proposed Alternatives

In the Draft RMP/EIS, BLM proposes six alternatives with different implications for utility operations on BLM-managed lands. Alternative 1 ("Alt. 1") enacts applicable management actions from the 2015 Plan; Alternative 2 ("Alt. 2") enacts applicable management actions from the 2019 Amendments; Alternative 3 ("Alt. 3") severely restricts access to public lands through broad application of exclusion zones on re-classified PHMA and designation of new Areas of Critical Environmental Concern ("ACECs"); Alternative 4 ("Alt. 4") provides situational allowance for development and incorporates individual state habitat mitigation measures; Alternative 5 ("Alt. 5") is the agency preferred alternative and provides "additional flexibility for site-specific development;" Alternative 6 ("Alt. 6") is similar to Alt. 5 with additional restrictions through the designation of ACECs identified in Alt. 3. For the purpose of these comments, the Association will primarily focus on Alternatives 3 and 5.

Supported Alternative

The agency preferred alternative, Alt. 5, would allow Major and Minor ROWs and other utility infrastructure in GHMA and require avoidance in PHMA. In addition, Alt. 5 updates BLM's Habitat Management Area mapping to more closely reflect individual states' data. The Association supports greater alignment between BLM decision-making and the State of Nevada to streamline project permitting and provide clarity to utilities operating in GRSG habitat.

NREA generally supports the selection of Alt. 5, and respectfully requests agency clarification and modification of the proposed alternative and supporting materials to ensure consistency with current management practices and reduce unnecessary financial burdens on consumer-owned utilities.

Requested Clarification of Alternative 5

The Draft RMP/EIS indicates that Alt. 5 would "[consider] options with fewer restrictions on resource uses and [provide] more opportunities for considering compensatory mitigation to offset impacts on GRSG and its habitat," (Emphasis Added); however, the phrases "fewer restrictions," and, "more opportunities," are never clearly defined. The Association requests BLM clarify the intent of the above-referenced language throughout Alt. 5 in the Draft RMP/EIS Executive Summary, Section 2.2.5, and the corresponding tables in Chapter 2 of Volume 1.

Required Design Features and Application of Lek Buffers in Alternative 5

Required Design Features ("RDFs") establish minimum specifications for certain projects, including energy infrastructure development, to mitigate impacts to GRSG and other species. For consumer-owned utilities, installation of nesting and perch- deterring devices may be required to discourage GRSG predation by aerial predators such as raptors and corvids along powerlines. However, the installation and maintenance of nesting and perch- deterring devices is costly and can lead to safety and operational issues for line workers and may increase the risk of electrocution for sensitive species

like golden eagles[4]. Nesting and perch- deterring devices should therefore be applied in limited circumstances where their efficacy can be clearly demonstrated.

Alternatives 1 and 2 require the installation of RDFs such as nesting and perch- deterring devices during ROWs renewal or amendment if adverse effects, such as increased nest predation on sage-grouse populations have been documented (Emphasis Added). This requirement is "predicated on research and monitoring studies specific to power lines or other utility structures." [5]

Alternatives 3, 4, 5, and 6 would instead establish a blanket requirement for utilities to install nesting and perch-deterring devices within 4.0-miles of a lek within PHMA and GHMA[6]. The Association appreciates that the 4.0-mile lek buffer is intended to protect the distance from a lek where the majority of GRSG nesting activities occur and is not a factor of disturbance to birds at the lek itself; however, Alt. 5 would not give any consideration to the local environment, topographical features surrounding the powerline, or any previous monitoring efforts. For instance, powerlines situated near major roads would likely pose insignificant impacts to nesting sage-grouse, because the presence of the road would influence nest site selection. Further, nesting and perch- deterring devices provide no benefit in areas where surrounding trees and topography are taller than the powerline. In these instances, installation of nesting or perch-deterring devices would not have the desired effect of protecting sage-grouse and would be an unnecessary burden on NREA member-utilities.

NREA members are small, not-for-profit utilities with finite resources, and it is critical to concentrate mitigation measures in locations where they will be most effective. The Association therefore requests BLM modification of Alt. 5 Management Directive ("MD") Lands and Realty ("LR") 17 to mirror Alts. 1 and 2 MD LR 17 application of nesting and perch- deterring devices in locations with demonstrated predation, based upon relevant industry-specific data.

Application of Lek Buffers Outside PHMA or GHMA in Alternative 5

MD SSS 18 is a proposed new addition to the Resource Management Plan under Alternatives 3, 4, 5, and 6 and would apply prescribed lek buffers and required installation of nesting and perch- deterring devices around leks not located in PHMA or GHMA. Active leks outside PHMA or GHMA would likely be located in poor habitat and would not support the continued use or suitable nesting habitat for sage-grouse. NREA therefore requests that MD SSS 18 be removed from Alt. 5 to reflect current practices as described in Alts. 1 and 2 and reduce unnecessary burdens for consumer-owned utilities.

Non-Supported Alternative

Alt. 3 is the most restrictive management plan proposed under the Draft RMP/EIS. This alternative would reclassify all Habitat Management Areas – approximately 70 million acres of public lands – as

[4] Prather, P.R. and Messmer, T.A. (2010), Raptor and Corvid Response to Power Distribution Line Perch Deterrents in Utah. The Journal of Wildlife Management, 74: 796-800. https://doi.org/10.2193/2009-204

[5] *Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement, Vol. 1*, Table 2-35, Nevada/California State-Specific Circumstances – Lek Buffers, 2-175 (March 2024).

[6] *Ibid.*

PHMA[7] and exclude all disturbance across PHMA, including both Major and Minor ROWs and above-ground linear features such as powerlines. BLM acknowledges that establishment of such large ROWs exclusion areas "could extend the processing time for renewals of existing ROW[s] authorizations and make siting of new linear… ROWs more difficult."[8]

Alt. 3 further designates over 11 million acres of ACECs specific to the management of GRSG. ACEC designation has historically complicated siting and permitting of projects across the energy sector, including transmission and distribution powerlines, public electric vehicle charging infrastructure, renewable energy projects, and production of domestic fuels, among others.

Broad exclusion of ROWs and utility infrastructure projects as proposed in Alt. 3 would severely impact NREA member-utilities' operations and pose a direct threat to long-term grid stability throughout the region. For these reasons, NREA and its member-utilities strongly oppose the selection of Alternative 3 in the Draft RMP/EIS.

Conclusion

NREA supports BLM's efforts to provide for the conservation of GRSG habitat and preclude the need to list the species under the ESA. We believe that these goals should be pursued in a way that encourages flexibility for local land managers to assess the unique challenges and priorities of habitat conservation on a state-by-state, local, and project-specific basis.

Of the six alternatives proposed by the agency under the Draft RMP/EIS, NREA generally supports the agency preferred alternative, Alternative 5. In addition, we respectfully urge BLM to provide clarification of nebulous terms, and to modify MD LR 17 and strike proposed MD SSS 18 to ensure that application of RDFs such as nesting and perch- deterring devices within lek buffers is limited to those areas where they will have the greatest impact on GRSG resilience.

The Association and its member-utilities appreciate your consideration. Please contact me at cmturner@nrea.coop or by telephone at (775)275-0439 if you have any questions.

Sincerely,

Carolyn Turner
Executive Director
Nevada Rural Electric Association

[7] *Ibid.*, Table 2-3. Comparative Summary – Acres GRSG Habitat Management Areas by State by Alternative, at 2-11.
[8] *Ibid.,* at 4-79.

Nevada Farm Bureau Federation
2165 Green Vista Dr., Suite 205, Sparks, NV 89431
1-800- 992-1106 | www.nvfb.org

June 13, 2024

Attn: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84101

Dear Sirs:

We are writing today in response to the opportunity for public comment to the Bureau of Land Management's (BLM***) Greater Sage Grouse Rangewide RMPA.***

The Nevada Farm Bureau Federation and our Farm Bureau member families across the state have been deeply involved in working on Sage Grouse conservation since Nevada's Sage Grouse Conservation Program began. Our organization has been actively represented on the Nevada Sagebrush Ecosystem Council since it was established.

Our organization's policy on Sage Grouse states:

Sage-Grouse:

Nevada Farm Bureau opposes the listing of Sage-Grouse under the Endangered Species Act.

We support local Sage-Grouse conservation programs, which work to enhance sagebrush communities. We further maintain the need for incentive-oriented programs to involve private property owners in conservation efforts while providing for protections of property rights.

In addition, any encroachment on permittees' and/or grazing allotment owners' AUMs shall be considered as a takings.

We support NDOW limits on Sage-Grouse hunting or season closures where applicable, especially in light of concerns related to a possible ESA listing.

We support appropriate management activities to address site-specific problems.

We believe that local management plans by county governments should be weighed as viable alternatives for Sage-Grouse Management. We recognize the potential management of livestock for contribution to the intrinsic values for thriving habitats for Sage-Grouse and livestock. We also recognize the inherent value of diverse economic basis and the access to resources necessary for different economic entities to survive.

We ask that the Governor and state legislature take all necessary measures to insure that wildlife and habitat management within the state be solidified as a local and state function, not a federal function.

Sage-Grouse – 2014 Nevada Greater Sage-Grouse Conservation Plan:

Nevada Farm Bureau supports the facets of the adopted state of Nevada's Greater Sage-Grouse Conservation Plan. We encourage the Nevada Sagebrush Ecosystem Council to continue to work for sound management of Sage Grouse habitat.

Because the Sage Grouse is being used as a pretext to limit or eliminate mining, grazing, farming and other economic activities in Nevada and throughout the West, Farm Bureau members and local officials should learn about the Nevada Conservation Credit System. Farm Bureau members should become involved with Sage Grouse local area working groups to prevent or minimize draconian "conservation" measures.

With the effort and commitment that Nevada and the Nevada Sagebrush Ecosystem Council have expended over the course of these many years in developing a sound conservation plan for Sage Grouse, it is unfortunate that the Bureau of Land Management has not done more to consider the conservation program that Nevada adopted. This is especially the case, given the role that was provided (from the inception of Nevada's planning efforts) in the establishment of the Nevada Sagebrush Ecosystem Council to provide representation for federal and state agencies.

From our review of the proposed alternatives in the Draft RMPA/EIS, we believe that the most effective approach for meaningful Greater Sage Grouse conservation would be adoption of Alternative 2. We fully understand that this alternative (which has been labeled as the "No-Action") would reflect the management that is currently in BLM's approved land use plans.

We maintain that the current BLM approved land use management plans for Greater Sage Grouse in Nevada are appropriate and will not be improved with any of the other alternatives that were brought forward in the Draft RMPA/EIS.

Wildfire is the highest risk for Nevada's Sage Grouse population and habitat. Predators are not far behind wildfire for Sage Grouse population risk. The current actions of the approved land use plans cover these essential protections. None of the other proposed alternatives offer any greater solutions than what is presently being done.

We also recognize that by BLM's own assertion – ***"Alternative 2 was developed through coordination with each state's applicable agencies, cooperating agencies and public input to increase alignment with the State's GRSG conservation plan and strategies."***

In analyzing the results of the current BLM approved land use plans for Nevada, the greatest loss of Sage Grouse and Sage Grouse habitat occurred when the initial BLM conservation program was first implemented, and massive wildfires swept across our most significant Sage Grouse areas. After these early years of fire devastation, there were several consecutive years of severe drought. This combination of natural impacts resulted in serious setbacks for both Sage Grouse and especially Sage Grouse habitat. Selecting any of the other alternatives will not correct or make up for the harm that took place in the beginning of the present BLM plan.

We would support the use of new mapping, as it is developed, but want to emphasize that any mapping is for reference only. **All management decisions must be based on site specific evaluation.**

We understand that BLM's preferred alternative is Alternative 5. From our review this alternative might make it more acceptable for the agency to advance land use changes such as alternative energy projects but **will not do anything to improve conditions for Sage Grouse or Sage Grouse habitat.**

It is hinted that Alternative 5 will provide for the use of mitigation as a way to make up for the negative impacts that the agency's desired expansion of solar generation and necessary transmission. In the first place BLM's intentions for mitigation are already covered in Nevada by way of **the Nevada Conservation Credit System (CCS).** This is a link to connect you with this program https://sagebrusheco.nv.gov/CCS/ConservationCreditSystem/ and the mandatory requirements associated with it. If anything, BLM's approach to mitigation will reduce the effectiveness of addressing negative man-caused projects. At the very least we urge that there be documentation on how BLM's mitigation approach would be equal to Nevada's CCS.

In the second place, BLM's intentions for using Alternative 5 as a cloak to give itself permission to massively expand solar generation and transmission ignores the purpose for having effective Sage Grouse and Sage Grouse habitat conservation programs in operation. While Alternative 5 is definitely better than the proposed Alternatives 1, 3, 4 or 6, we do not believe that it will be better than Alternative 2.

On May 13, 2024, the Nevada Farm Bureau Federation submitted comments in regard to the proposal for BLM designating Areas of Critical Environmental Concern (ACECs). We wish to stress here again our strenuous opposition to such designations in Nevada. Not only are these areas possibly under consideration for Alternative 3 and Alternative 6, we also are suspicious of an attempt to bring their designation about in whatever scheme might be used.

As we communicated in those public comments…

> "The criteria for both relevance and importance go beyond the nearly impossible to understand rationale provided for any of the Nevada proposed ACEC designations on pages 5-22 through 5-24. The California "evaluation" for Vya/Massacre and Buffalo Skedaddle doesn't do much better. The Nevada proposed ACECs might provide rationale which describes what might be reasoning specifically for Greater Sage Grouse, but the evaluation criteria provided in the BLM manual covers four criteria for Relevance and five criteria for Importance.
>
> We believe that the information provided for these designations fail to qualify as legitimate evaluations to meet the test of the BLM's manual for designation.
>
> What type of special management activity would the plan include for these designated areas? We believe that these specifics should be spelled out as part of whatever possible decision might be considered."

There has been nothing put forward which changes our views on the opposition we expressed about ACECs then.

We don't believe that the designations of the proposed Nevada or California ACEC areas will provide any meaningful special management attention that would benefit either sagebrush habitat or Sage Grouse. The greatest risk for Sage Grouse is wildfire, followed closely by predator impacts from ravens.

We also believe that actual data should be included to substantiate how the proposed "special management" measures would result in actual progress. A recent report from one very remote area (the Black Rock Desert) in Nevada has indicated that there has been a decline in a lek, even though there are nearly no human impacts for this area.

It would be very troubling to find out that the "special management" would be the exclusion of a multiple use such as livestock grazing. This exclusion would not benefit either sagebrush habitat or Sage Grouse. Designation of an ACEC for Sage Grouse management should not result in "non-management"/Wilderness-like treatment of the resource for the area(s) which might be designated as ACEC.

The current Nevada Greater Sage-grouse Conservation Plan states, ***"Today, by allowing for the authorized use of proper and targeted livestock grazing on public lands, private landowners and wildlife habitat managers can serve to protect or even benefit each other if managed properly (by reductions in fuels, targeted grazing of specific habitats and cheatgrass, etc.). The State of Nevada recognizes and supports this long standing beneficial relationship and the property interests associated with grazing permits."***

Nevada's Sage Grouse Plan includes a Goal for livestock grazing which states: ***"Ensure that existing grazing permits maintain or enhance sage-grouse habitat. Utilize livestock grazing when appropriate as a management tool to improve sage-grouse habitat quantity and quality, or to reduce wildfire threats. Based on a comprehensive understanding of seasonal sage-grouse habitat requirements, and in conjunction with the need for flexibility in livestock operations, make cooperative, timely, seasonal range management decisions to meet vegetation management objectives, including fuels reduction."***

This goal is supported by 21 Management Actions to address proper livestock grazing. We don't believe that any "special management" that BLM could institute through ACEC designations would be more comprehensive or better address sagebrush habitat or Sage Grouse needs than following the plan that Nevada has in place. It should also be noted that development of the ***Nevada Greater Sage Grouse Conservation Plan*** included BLM state leadership as well as representatives from a wide scope of stakeholders and other state and federal agencies.

Contrary to the belief that federal BLM officials seem to maintain, by ignoring or overriding conservation plans adopted by states, designations of land to preclude multiple use from taking place on federally-managed lands does not improve beneficial resource outcomes.

Summary:

The Nevada Farm Bureau Federation urges that Alternative 2 be adopted in moving forward with implementation of the next round of BLM Sage Grouse conservation plans. We also urge that greater emphasis be place on actually cooperating with plans that the Nevada Sagebrush Ecosystem Council have developed for conservation of Sage Grouse and Sage Grouse habitat in Nevada.

Sincerely,

Bevan Lister

Bevan Lister, President
Nevada Farm Bureau Federation

The following comments from the Nevada Cattlemen's Association (Association) are provided to the BLM as a supplementary, document-specific attachment to the Association's general comment letter regarding the Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning, (DOI-BLM-WO-2300-2022-0001-RMP-EIS).

Chapter or Appendix	Page Number(s)	Section, Table, or Figure	Nevada Cattlemen s Association Comment
General Comment	General Comment	General Comment	The public comment period for this DEIS was not long enough when considering the length and content of the document. The Association is disappointed in the BLM's decision to only provide 90 days for partners to review and compile their comments. This DEIS is confusing and difficult to follow, and making fully informed, substantive comments is nearly impossible to gather in such a limited timeframe. As such, the Association requests that the BLM provide a Nevada-specific, supplementary DEIS so the impacts from the proposed action and alternatives can be fully understood.
Chapter 2	2-13 through 2-21	Table 2-4	The combination of Alternatives and States in this table is confusing and hard to keep track of, only further illustrating the need for each western state to have its own, unique analysis. The rangewide approach leads to endless confusion and tedious back-and-forth language.
Chapter 2	2.5.9	All	The Association would like the BLM to recognize throughout this section that Raven populations have grown exponentially both rangewide and in Nevada. As a result of this growth, the US Fish and Wildlife Service recently increased its Nevada depredation take permit by almost 4-fold. The BLM should include information from this Environmental Assessment here (Depredation Permits for Common Raven Removal in Nevada, April 2024). In 2022 a USGS study revealed that in good Sage-grouse habitat, raven predation can affect Sage-grouse when these raven populations surpass a density threshold. Removing infrastructure and reducing anthropogenic impacts is not always plausible, especially on BLM public lands. Habitat improvement projects are not always possible either (for example, during drought). The BLM should not attempt to interject with any State wildlife agency efforts to decrease raven populations in places deemed appropriate through its Depredation Permit. All alternatives in this DEIS must acknowledge and fully support the State's efforts regarding predator control.

AFFILIATE NATIONAL CATTLEMEN'S BEEF ASSOCIATION
P.O. Box 310 Elko, Nevada 89803-0310 • Phone: (775) 738-9214 • Fax: (775) 738-5208 • nca@nevadabeef.org

Chapter or Appendix	Page Number(s)	Section, Table, or Figure	Nevada Cattlemen s Association Comment
Chapter 2	All	2.5.10	The Association questions how the BLM is planning to use Land Health Standards and the Habitat Assessment Framework conjointly for grazing management. Both this section and the associated tables appear to switch between requiring LHS alone, only using HAF when deemed appropriate, using them together for some management decisions, or being required to use both for all management. This is an extremely confusing approach, and the Association questions these inconsistencies due to the implications these parameters have for permittees. Clarity is needed on which situations trigger the use of LHS and/or HAF would be appreciated. When would "adjustments" to grazing be triggered by LHS? When would HAF be the appropriate method? Is it anticipated that both LHS and HAF will be used concurrently on every allotment? This lack of clarity is not acceptable to the Association.
Chapter 2	2-105	2.5.10, Table 2-12, Alt. 4, Management Action RM-1	Any changes to grazing duration, rotation, timing, frequency, season of use, and/or number of AUMs should **not** be made without thorough, sound monitoring being conducted by the BLM. Furthermore, these alterations should **not** occur without the impacted permittee or their representative being fully aware of the monitoring taking place, the opportunity to provide input to said alterations, and the decision to be made. It is not acceptable to this Association for any changes to be made without the affected permittee's full knowledge.
Chapter 2	2-107	2.5.10, Table 2-12, Alt. 4, Management Action RM-2	Close cooperation and communication between the BLM and the affected permittee should be a key focus for the BLM when considering any adjustments to grazing management. Permittees provide pivotal on-the-ground knowledge that the agency should view as an asset when debating any changes in public lands grazing. The Association would recommend altering the location in this Table to read as follows: "Any adjustments to grazing will be made based on current ecological potential according to ESD, associated STM, coordination and consultation with the affected permittee, and existing ecological state."
Chapter 2	2-109 through 2-110	2.5.10, Table 2-12, Alt. 4, Management Action RM-4 and RM-5	The Association strongly feels that any range improvement projects **should not** be removed, modified, or installed unless extensive coordination and communication has occurred between the BLM and the affected permittee or his/her representative. Any modifications to range improvement projects must also comply with State Water Law if the improvement involves water.

Chapter or Appendix	Page Number(s)	Section, Table, or Figure	Nevada Cattlemen s Association Comment
Chapter 2	2-111	2.5.10, Table 2-12, Alt. 4, Management Action RM-6	The Association is confused by some of the language in this section of the Table, since every fence is built out of necessity. Furthermore, every fence has high costs associated with its ongoing maintenance and initial installation. Any removal of a fence should not be considered unless it is considered absolutely necessary by both the BLM and affected permittee. While virtual fencing can be used as an appropriate and helpful tool in some areas, the Association objects to virtual fencing being used as a blanket solution for any lapses in fence maintenance.
Chapter 2	2-112	2.5.10, Table 2-12, Alt. 4, Management Action RM-7	This Association **strongly opposes** any voluntary grazing relinquishments, especially any resulting in the BLM's consideration of "whether to offer the permit for re-authorization to other grazing applicants or if the public lands where that permitted use was authorized shall be used for other resource management objectives." Any reallocation of a permit for another "resource management objective" is **not acceptable**. If a grazing permit is relinquished, it should be offered to other permittees before any changes are made to the authorized use. It is also unacceptable for the BLM to even contemplate the "conversion of the allotment to a reserve common allotment that will remain available for use on a temporary, nonrenewable basis for the benefit of GRSG habitat." Without any appropriate grazing management, these new "reserve" allotments can only result in increased fire risk due to the accumulation of decadent forage that would occur. Furthermore, the spread of invasive annual species such as cheatgrass would increase exponentially without any grazing management to combat their establishment.
Chapter 2	All	2.5.11	The Association fully supports the BLM's stated intention through the preferred alternative in the DEIS to manage wild horse and burro populations within their AML.
Chapter 2	All	2.5.12	The rangewide approach taken by the BLM to assess Sage-grouse and Sage-grouse habitat across 11 states in the West is a disastrous decision. This section, as a result, is extremely confusing and misleading. Following the rationale for ACEC locations, inclusion in some alternatives but not in others, as well as their incorporation in these alternatives is nearly impossible.

Chapter or Appendix	Page Number(s)	Section, Table, or Figure	Nevada Cattlemen s Association Comment
			The Association **strongly opposes** the establishment if any of the proposed ACECs in Nevada. It must be a priority for the BLM to provide accurate mapping that clearly illustrates any of the allocation decisions being made based on said mapping. Close communication and coordination with any affected grazing permittees operating in Sage-grouse habitat should also be a focus of the BLM, which should further include the implementation and update of Allotment Management Plans to benefit both grazing operations and Sage-grouse habitat. If the BLM could work towards these objectives rangewide, the Association does not see a need for ACECs. Comments to this affect were submitted to the BLM in an ACEC-specific letter from the Association on 5/14/2024.
Chapter 2	2-124	2.5.13	The Association **strongly suggests** that any Causal Factor Analysis (CFA) teams should include the affected permittee in addition to the local BLM biologist, BLM state sage-grouse lead, and a representative from the state wildlife agency.
Appendix 15	15-2	15.1.2	Any alterations to range improvements must be thoroughly coordinated with the affected permittee or permittees. Their removal without consent of said permittee is not acceptable to this Association unless thorough communication and agreement has occurred between the BLM and the permittee. Furthermore, any alteration of said range improvement must comply with State Water Law if the improvement involves water.
Appendix 15	15-2	15.1.2	The Association is strongly opposed to the BLM's recommendation to rest areas with vegetation treatments for an undefined amount of time. The Association would suggest a revision that includes language establishing that 2 to 3 years is a sufficient rest period after vegetation treatments. This would reduce wildfire risks and potential spread of invasive annual grasses, in addition to reducing the negative impacts inflicted on permittees by these resting periods.
Appendix 15	15-2	15.1.2	The Association maintains that affected permittees must be included in the entire process of establishing any new management or livestock movement decisions following "recent burns, habitat rehabilitation, or other restoration sites."

Chapter or Appendix	Page Number(s)	Section, Table, or Figure	Nevada Cattlemen s Association Comment
Appendix 15	15-3	15.1.3	The BLM should consider revising this language to read: "Locate troughs outside meadows, swales, and riparian areas **wherever possible**."
Appendix 15	15-3	15.1.4	All pre-season assessments should be completed in close coordination with the affected permittee.
Appendix 15	15-4 through 15-5	15.1.6	The Association would appreciate clarification on the reason for Nevada being the only state with specific BMPs. Do these specific BMPs also apply to Wild Horse and Burro HMAs and Has?
Appendix 15	All	15.2	The constant waffling between states and the associated goals and objectives makes this table incredibly hard to follow. The Association feels that this complexity clearly demonstrates the necessity of a Nevada-specific supplemental DEIS. Furthermore, all listed proposed changes and management possibilities should be done in close coordination with the affected permittee.
Appendix 15	15-14 (MD LG 4)	15.2	Land Health Assessments should be supplemented with Ecological Site Descriptions to determine the possibilities for each site and/or allotment.
Appendix 15	15-18 (MD LG 8)	15.2	Monitoring should be conducted on an annual basis for each allotment with Sage-grouse habitat due to the proposed action relying heavily on monitoring data.

Chapter or Appendix	Page Number(s)	Section, Table, or Figure	Nevada Cattlemen s Association Comment
Appendix 15	15-19 (MD LG 1)	15.2	**It is unacceptable to this Association that "Making allotment unavailable to grazing" is included in the DEIS as a potential modification that could be enacted by the BLM if an allotment is deemed "incompatible" with goals identified in GHMA and PHMA.** The Association strongly opposes making allotments unavailable to grazing, especially for a single species. Did the BLM mean to suggest that grazing could be removed for a certain amount of time in the event that vegetation treatments are conducted?
Appendix 15	15-19 and 15-20 (MD LG 5)	15.2	The Association is **strongly opposed** to the following language: "Considering no grazing from May 15 – Sept. 15 in riparian areas and wet meadows." The Association maintains that any turn in and turn out dates should be decided based on a site-specific process on each allotment. Setting these exact dates for an entire state is a disastrous approach that would have terrible consequences for Sage-grouse habitat. The BLM Field Offices and appropriate staff should be allowed to set the appropriate turn in and turn out dates through close coordination with the permittee. Consideration can and should include habitat goals, annual conditions, and unique parameters that meet the needs of the specific site. Finally, any decisions like this made on allotments must be completed in close coordination with the affected permittee. There also must be appropriate mitigation for any loss in forage and water resources.
Appendix 15	15-20 (MD LG 5)	15.2	The Association **strongly objects** to the following statement: "In riparian areas and wet meadows the allowable percent utilization is 35% woody species, and a minimum stubble height of 4-6 inches (10- 15 cm) for herbaceous riparian vegetation based on site… In mountain big sage habitat, the allowable percent utilization is 40 % herbaceous key species and/or 35 % shrub key species… In Wyoming Basin big sage habitat, the allowable percent utilization is 35% herbaceous key species and/or 35 % shrub key species… In black sage habitat, the allowable percent utilization is 35% herbaceous key species and/or 35 % shrub key species… To the extent that the implementation of these strategies would be in conflict with the terms and conditions of any

Chapter or Appendix	Page Number(s)	Section, Table, or Figure	Nevada Cattlemen s Association Comment
			applicable livestock grazing permit or lease, then the BLM would complete a new decision-making process before implementing the strategies." This is concerning considering the BLM is already significantly delayed in its decision-making processes, and it is unclear to this Association how these new parameters would be in the best interest of Sage-grouse habitat. Any percent utilization should be made based on specific site conditions, timing of use, etc. rather than any habitat parameters dictated by a single species. For example, it is woefully inaccurate to say that all Wyoming Basin big sage brush habitat only has an allowable percent utilization of 35% when some Wyoming Basin big sage stands pose a major wildfire risk and **any utilization greater than** 35% can mitigate those risks. These percentages only present a method to restrict the BLM and any possibility of flexible management. The use of any planned grazing systems should focus on site specific needs that address any concerns pertaining to deferment periods, season of use, turn in and turnout options, percent utilization and other habitat needs.
Appendix 15	15-29 (MD LG 15)	15.2	The Association is strongly opposed to the BLM removing or modifying any water developments without thorough coordination with the affected permittee and following all applicable State of Nevada Water Laws. Additionally, it is unclear how the BLM intends to remove or modify said developments. Is there a mitigation plan in place for the loss of water developments?
Appendix 15	15-36 (MD LG 14)	15.2	Regarding livestock exclosures, what is considered "large enough" by the BLM?
Appendix 15	15-37 (MD LG 21)	15.2	It is **not acceptable** to this Association that any voluntary grazing relinquishments could result in the BLM evaluating "whether to offer the permit for re-authorization to other grazing applicants or if the public lands where that permitted use was authorized shall be used for other resource management objectives." (Section 2.5.10, Table 2-12, Alt. 4, Management Action RM-7, Page 2-112). Furthermore, the reallocation of any permit for other "resource management objectives" is unacceptable to this Association. If a grazing permit is relinquished to the BLM, it should always

Chapter or Appendix	Page Number(s)	Section, Table, or Figure	Nevada Cattlemen s Association Comment
			be offered to other razing permittees before any consideration, or changes are made to authorized use. The Association strongly maintains that it is unacceptable for the BLM to evaluate the "conversion of the allotment to a reserve common allotment that will remain available for use on a temporary, nonrenewable basis for the benefit of GRSG habitat." Proper grazing utilization on these allotments results in decreased fire risk due to the reduction of decadent forage that would accumulate if grazing was not continued. Additionally, invasive annual species have a smaller opportunity to establish with grazing management combatting their spread. Wildfire and invasive species risk can only increase if these surrendered allotments become unavailable for grazing.
General Comment	General Comment	General Comment	The Association clearly iterates to the BLM that it is extremely concerned with the Draft RMPA and its content. Regarding the above listed concerns, the Association again would like to emphasize that the Preferred Alternative must align with the State of Nevada plan, and further requests that the BLM consider use of the 2019 RMP "No-Action Alternative" i.e. Alternative 2 for the Adaptive Management section of the DEIS, considering that it "represents a continuation of management under the BLM RMPs amended in 2019." The Association strongly feels that the 2019 plan is best aligned with state and local agency needs for adaptive management, and further provides the public with comprehensive guidelines for public lands grazing management.

The BLM's consideration of the above, document-specific comments is appreciated by the Association.

Sincerely,

Hanes Holman, President
Nevada Cattlemen's Association

Converse County Conservation District
911 S. Windriver Drive – Douglas, WY 82633 – Phone (307) 624-3151
www.conserveconverse.org

June 13, 2024

Tracy Stone-Manning, Director
Bureau of Land Management
1849 C St. NW
Washington, DC 20240

Submitted via: eplanning.blm.gov

Dear Director Stone-Manning,

Following are the Converse County Conservation District (CCCD) comments regarding the Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning.

Our comments are specific to our mission: To provide leadership for the conservation of Converse County's soils and water, protect the agricultural resource base, promote the control of soil erosion, promote and protect the quality and quantity of water in Converse County and all other natural resources, preserve and enhance wildlife habitat, protect the tax base and promote the health, safety and general welfare of the county through a responsible conservation ethic.

In general, CCCD supports most components of Alternative 5, the Preferred Alternative. However, we would like to provide the following comments and suggested modifications which we feel strengthen the emphasis on Sage-grouse habitat management and will provide for maximum benefit and flexibility needed for implementable management on BLM lands in Wyoming.

1. CCCD encourages appropriate scale for planning and analysis. This cannot be a "one size fits all" approach. Using a large project area for analysis skews the analysis outcomes and subsequent decisions. A Wyoming specific plan should be developed.
2. CCCD encourages the reference and use of The Wyoming Governor's Executive Order 2019-3 on Greater Sage-Grouse (GRSG) Core Area Protection (Wyoming Core Area

Strategy) for any GRSG and habitat management decisions in Wyoming. Development of a Resource Management Plan Amendment would be appropriate if it was done in coordination with cooperating agencies. Any Plan should align with the Wyoming Core Area Strategy and conservation plan.

3. CCCD encourages consistency throughout the Draft. Impacts should relate only to GRSG habitat and NOT GRSG. (Wyoming Game and Fish Department is the primary agency responsible for GRSG in Wyoming, not the BLM). Additionally, CCCD is concerned that the impacts of each alternative are not fully disclosed. We encourage BLM to provide consistent information regarding alternative impacts.
4. When properly implemented, livestock grazing has been shown to have beneficial impacts on GRSG conservation, both scientifically and anecdotally. CCCD supports grazing livestock as a tool for the management of GRSG habitat. Additional language supporting livestock grazing on public lands as a management tool in the Draft is encouraged. Additionally, CCCD opposes the reduction of Animal Unit Months (AUM's) on BLM because of changes from the RMPA/EIS. AUM reductions will have a negative impact on local economies.

In addition to these comments being submitted, CCCD would also like to state that we are opposed to the federal designation of any Wyoming ACEC's in the RMPA. The Wyoming Core Area Strategy provides a sustainable strategy for balancing multiple use opportunities in Wyoming while providing the foundation for GRSG conservation.

In closing, CCCD is in support of Alternative 5, the Preferred Alternative, with incorporation of our comments as well as the comments you have received from the Wyoming Association of Conservation Districts.

Thank you for the opportunity to provide comment on the Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse. We remain committed to working cooperatively with BLM on the management and multiple uses of the land in Converse County and Wyoming.

Sincerely,

Michelle Huntington

Michelle Huntington
District Manager

Converse County Conservation District Board of Supervisors
Stan Mitchem Shelly Falkenburg Sharon Lovitt Susan Downs Patricia Taboga

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Pheasants Forever, Inc.
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June 13, 2024

BLM Utah State Office
ATTN: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84101

Re: 2021 Greater Sage-grouse Land Use Plan Amendments Draft Environmental Impact Statement (DOI-BLM-WO-2300-2022-0001-RMP-EIS)

Pheasants Forever and Quail Forever appreciate this opportunity to comment on the Bureau of Land Management's continued effort to establish a comprehensive conservation program for sage grouse. While we support the overall effort, we are concerned that such a program requires a better description than that presented in the Draft Environmental Impact Statement.

Pheasants Forever and Quail Forever (PF & QF) make up the nation's largest nonprofit organization dedicated to upland habitat conservation. This community of more than 420,000 members, supporters, and partners is dedicated to the protection of our uplands through habitat improvement, public access, education, and advocacy. Since its creation in 1982, the organization has dedicated more than $1 billion to 580,000 habitat projects benefiting more than 26.5 million acres.

PF & QF is an active, willing, and eager partner to the Bureau of Land Management (BLM), and shares in the BLM's general mission of land conservation and recreational access. Our staff have expertise in conservation planning, wildlife biology, range management, forestry, and precision conservation technologies, and our partnership positions work locally to provide and support conservation delivery, conservation technical assistance, and conservation planning on both public and private lands across America. Further, our staff have robust experience convening complex partnerships of conservation partners, agricultural producers, energy sector stakeholders, and local community leaders, which is indispensable to any large-scale conservation strategy in the West. This expertise and hands-on experience implementing and delivering conservation—including across the sage grouse range—has informed these comments.

Toward an effective strategy for sage grouse conservation, we recommend improving the DEIS by adding an adequate description of active management efforts and means directed toward habitat improvement and restoration. The DEIS lacks even general summary data on active management from the Conservation Efforts Database. No mention is made of contracting options such as Good Neighbor Authority and Stewardship End-Results contracts. This

information would provide a starting point from which active habitat improvement and restoration could begin.

The latest "Greater Sage-Grouse Five-Year Monitoring Report 2020" reports that over 16 partners across the sagebrush biome have conducted over 6,200 conservation actions, including over 4,400 actions from the BLM since 2015. No information is provided there on the spatial extent of this work to compare with the estimates in the DEIS of areas where surface development may occur.

Without this information, we cannot evaluate the level of effort necessary to achieve the goal of addressing continued habitat loss and population declines. Those goals are stated too generally to be helpful. In contrast, an effective goal would identify manageable habitat loss (e.g., losses to development subject to approval) compared to purposeful improvement restoration (e.g., projects complete by BLM or through partners). The resulting net effect on habitat could be calculated. A desired net target could be set in terms of acres per year over the five years until the next plan review.

Knowing the desired achievement in acre terms would enable informed budgeting for the required habitat improvement and restoration. A comparison of cost-effectiveness among BLM projects, Good Neighbor Agreements, Stewardship Contracts, and Mitigation would describe options for obligating funds to known results in terms of the goals and objectives.

As the BLM's ability to collect extensive data on habitat quality appears limited, we recommend collecting focused data on habitat achievements. Project areas are discrete and accessible, unlike large scale areas. Plus, the backlog of unreviewed grazing allotments—more than 10,000 of 18,000 total—suggests that even a single sampling frame consisting of allotments cannot be visited and evaluated to support Landscape Monitoring, Habitat Assessment, and Land Health Standards evaluations. Without adequate data, there is no means of adaptive management.

The limitations on data collection are plain in the DEIS.

The document describes the means of gathering information, but not the information gathered, e.g., "Land Monitoring Frameworks (LMF) and field office collected Assessment, Inventory, and Monitoring (AIM) data provide estimates for consistent contextual information about habitat conditions" (p. 3-11). Despite the claim that "AIM data represent one of the largest available datasets to inform resource management decisions on BLM lands," the data do not appear to have been helpful in writing the DEIS. The descriptions of Representative Sagebrush Vegetation Communities do not include their extent and quality (p. 3-12).

Harder data on the extent of potential habitat effects—e.g., from grazing and surface development—lacks data on the quality of habitat within those areas (pp. 3-19, 3-31, 3-33, 3-39).

Without these details, the DEIS describes only prohibitions and intentions, elaborately explaining methods for designating areas for intended uses, emphasizing activities that will be prevented or discouraged, and overlooking activities that will be attempted.

What sage grouse conservation needs—and which Pheasants Forever & Quail Forever can help provide—is a commitment to annual workplans that produce numerical evidence of habitat improved and restored. This commitment can be delivered through Good Neighbor Agreements, Stewardship Contracts, and Mitigation.

We appreciate the opportunity to comment on the DEIS, and we look forward to continuing to build on a history of highly successful partnerships across the sage grouse range. If you have any questions about these comments, please contact me at awiegard@pheasantsforever.org.

Sincerely,

Ariel Wiegard
Vice President of Government Affairs

EUREKA COUNTY BOARD OF COMMISSIONERS

Rich McKay, Chairman ⌖ Mike Sharkozy, Vice Chair ⌖ Marty Plaskett, Member

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May 13, 2024

Patricia Deibert, National Sage-grouse Coordinator
Bureau of Land Management
440 W 200 S Suite 500,
Salt Lake City, Utah 84101

Submitted Electronically to: BLM ePlanning, https://eplanning.blm.gov/eplanning-ui/project/2016719/510

RE: Designation of Areas of Critical Environmental Concern; Bureau of Land Management Notice of Intent to Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statements

Dear Coordinator Deibert,

Eureka County, Nevada (the County), appreciates the opportunity to provide comment on the Bureau of Land Management's (BLM's) proposed designation of Areas of Critical Environmental Concern (ACECs) in its amendment to its greater sage-grouse land use plans and associated draft environmental impact statement (DEIS).[1] The County, a rural county in northern Nevada, has participated as a cooperating agency in BLM's current amendment process, including ACEC designation, and has been deeply involved in BLM's now more than decade-long sage-grouse conservation land use planning as well as in state and local sage-grouse conservation efforts.

The County submits this letter to set forth its understanding regarding the May 14 deadline to submit comments on designation of ACECs in the sage-grouse land use plan amendments (LUPAs) and DEIS. In its April 9, 2024, virtual public meeting to discuss the LUPAs and DEIS, BLM explained the discrepancy between the May deadline for comments on ACECs and the June deadline for comments on the LUPAs and DEIS by pointing to BLM's planning regulations, which specify a 60-day comment period for ACECs.[2] Notwithstanding the May 14 deadline, BLM stated:

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[1] The notice of intent is BLM Docket No. 223.LLHQ230000.L11700000.PI0000.LXSGCO000000.

[2] *See* BLM, Transcript of Virtual Public Meeting for the Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement, at 01:12:34–01:12:45 (Apr. 9, 2024) https://eplanning.blm.gov/public_projects/2016719/200502020/20109295/251009289/2024_GRSG-DEIS%20Virtual%20Public%20Mtg1-04-09-2024_Transcript_508.pdf; 43 C.F.R. § 1610.7-2(b) (BLM "shall provide a 60-day period for public comment on the proposed ACEC designation").

> NEPA regulations require [that] we consider all substantive comments . . . provided during the comment period. And so, while there is a 60-day comment period for ACECs as identified in BLM[']s regulations [if] substantive . . . comments related to ACECs [are] provided after that, but within the planning[—]within the overarching comment period, we will need to consider those as well.[3]

BLM has advised upon further request that despite the deadline published in the Federal Register, it will accept comments on ACECs as part of comments on the LUPAs and DEIS. The County relies on these statements, and will submit substantive comments on ACEC designation as part of its comments on the LUPAs and DEIS. The County appreciates BLM's clarification on this point.

Respectfully,

Rich McKay, Chairman
Eureka County Board of Commissioners

[3] Transcript of Virtual Public Meeting at 01:12:45–01:13:09.

PUBLIC COMMENT

DATE: June 13, 2024

TO: BLM_HQ_GRSG_Planning@blm.gov
Department of Interior, Bureau of Land Management

SUBJECT: Greater Sage-Grouse Draft Resource Management Plan Amendment/Draft EIS

FROM: Marc Liverman, Portland, Oregon

Please find my comments on the BLM's The Greater Sage-Grouse Draft Resource Management Plan Amendment/Draft Environmental Impact Statement (GRSG DRMPA/DEIS) below. I appreciate having this opportunity to comment.

I am a private citizen and long-term resident of Oregon who often visits public lands managed by the BLM in Oregon and throughout the western United States. I use and enjoy those lands in many ways including fish and wildlife viewing and other aesthetic, cultural, recreational, and spiritual experiences. My primary academic and professional background is in fish and wildlife ecology and management and I have held various professional positions as a subject matter expert, program manager, or supervisor for the Portland Audubon Society, Oregon Department of Fish and Wildlife, and National Marine Fisheries Service.

My enjoyment of the natural and physical features of public lands administered by the BLM has been, is being, and will continue to be directly affected by the BLM's conservation, protection, and restoration of those lands, including but not limited to public lands that are within the current and historical habitat of greater sage-grouse (*Centrocercus urophasianus*) (GRSG).

I request that these comments be added to the administrative record for this project.

BACKGROUND

GRSG occupy roughly half of their former historical range and populations within many parts of their current range have eperienced marked declines (Coates et al. 2023). Because the decline has been so dramatic, GRSG was first considered as a candidate for listing under the Endangered Species Act in 1991 (CRS 2016). Since then, federal, state, and local governments, along with many other stakeholders, have debated many plans to forestall listing and recover the species (CRS 2016).

Nonetheless, GRSG populations have continued their precipitous decline rangewide (Coates et al. 2023) and scientists are increasingly questioning the ability of established management policies to reverse the GRSG decline. Degradation and loss of sagebrush ecosystems also

adversely affect more than 350 other species of conservation concern that have evolved as part of those ecosystems, including pronghorn, pygmy rabbit, mule deer, native trout, and nearly 200 migratory and western bird species. Despite its vast size, the sagebrush steppe is one of the most endangered ecosystems in North America (Wisdom et al. 2005; Noss et al. 1995); it is also among the least protected landscapes in the US.

According to the CRS, the controversy over how to conserve or recover GRSG is common to many other rare species, namely the use of dwindling resources by both humans and wildlife (CRS 2016 at p.1). For sage grouse, the dwindling resource is

> [b]road, unfragmented expanses of sagebrush lands. Loss of habitat is the most common factor leading to species' decline. Sagebrush habitat in the western United States is diminishing and becoming fragmented due to energy development, infrastructure, agricultural conversion, wildfire, invasive plants, and other factors.
>
> Although the total remaining sagebrush habitat is vast, its fragmentation is problematic for sage-grouse, which need large treeless areas to discourage the roosting of avian predators and to permit travel between breeding and nesting sites. Thus, fences, roads, drilling rigs, and utility poles can produce a substantial change in available sagebrush habitat, even when the actual surface disturbance is minimal.

PURPOSE AND NEED – The GRSG Conservation Goal

Against that background, the Purpose and Need statement for the proposed action includes clarifying many aspects of RMPs that affect rangewide GRSG conservation goals and foremost among those is clarification of the existing GRSG RMP goal (DRMPA/EIS at p.1.4).

The existing GRSG conservation goal in all current BLM RMPs is similar to language proposed by the Sage-Grouse National Technical Team (SGNTT), a group of specialists and scientists from the BLM, U.S. Fish and Wildlife Service, Natural Resources Conservation Service, U.S. Geological Survey, and state fish and wildlife agencies (SGNTT 2011, DRMPA/EIS at p.2.9), specifically,

> Maintain and/or increase sage-grouse abundance and distribution by conserving, enhancing or restoring the sagebrush ecosystem upon which populations depend in cooperation with other conservation partners.

The existing goal is very similar to the objectives of the BLM special status species policy (BLM-M-6840.02), specifically,

> A. To conserve and/or recover ESA-listed species and the ecosystems on which they depend so that ESA protections are no longer needed for these species.
> B. To initiate proactive conservation measures that reduce or eliminate threats to

> Bureau sensitive species to minimize the likelihood of and need for listing of these species under the ESA.

However, clarification of the GRSG conservation goal as proposed in the DRMPA/EIS varies greatly by alternative (DRMPA/EIS at p.2.9). Alternatives 1 and 2 requires states to "have at least one goal or objective" that includes the "following language and/or concept,"

- Maintain and enhance populations and distribution of GRSG by protecting and improving sagebrush habitats and ecosystems that sustain GRSG populations.
- Conserve, enhance, and restore the sagebrush ecosystem upon which GRSG populations depend in an effort to maintain and/or increase their abundance and distribution, in cooperation with other conservation partners.
- Maintain and enhance quality/suitable habitat to support the expansion of GRSG populations

For Alternatives 3-6, the DRMPA/EIS proposes this CRSG conservation goal:

> To conserve, enhance, restore, and manage GRSG habitats to support persistent, healthy populations, consistent with BLM's Special Status Species Management Policy (BLM-M-6840) and in coordination and cooperation with state wildlife agencies. Habitat conservation and management should maintain existing connectivity between GRSG populations.

The proposed conservation goal to be applied by states under Alternative 1 and 2 are only partial, wordy, and discretionary re-statements of current RMP language and the BLM special status species policy. Similarly, the proposed requirements for Alternatives 3-6 mistate and contradict the BLM special status species policy by substituting references to habitat for species and ecosystems, and adding a citation to BLM-M-6840, which is an external, unattached policy document.

Both sets of language also center the concept of coordination and cooperation with state wildlife agencies in a way that is suggestive of BLM discretion to choose between GRSG survival and recovery and the same business activities that caused and are still causing the precipitous decline of GRSG populations and the ecosystems on which they depend.

Thus language proposed in the DRMPA/EIS for every alternative, including Alternative 3 with the most restrictions on resource uses to preserve GRSG, is more ambiguous and less certain than the current RPM language or the BLM special status species policy which features a clear and succinct focus on the species and ecosystem levels of concern and the use of proactive conservation measures as necessary to preclude the need for an ESA listing.

Recommendation: Use language taken directly from the BLM special status species policy with minimal modification to focus directly and without obfuscation on the goals of GRSG conservation, as follows,

To initiate proactive conservation measures to reduce or eliminate threats to GRSG and the ecosystems on which they depend, and to minimize the likelihood of and need for their listing under the Endangered Species Act.

ALTERNATIVES

Scientists have long expressed concern about the long-term viability of the GRSG as a species resulting from the cumulative loss and degradation of sagebrush ecosystems due many factors, including altered fire regimes, invasive plant species, conifer expansion, overabundant free-roaming equids, and human land uses, including energy development, cropland conversion, infrastructure, and improper livestock grazing (Remington et al. 2021). Climate change leading to warmer temperatures and altered precipitation regimes has compounded all of those negative effects to sagebrush ecosystems and that influence will undoubtedly increase.

Alternative 3 is the only alternative that comes close to actions necessary to increase GRSG viability because it offers the most protective management standards, in part because the EIS found that designating ACECs would increase SGGR conservation. However, Alternative 3 needs to be strengthened by withdrawing all priority grouse habitats from mining.

Alternative 5, the preferred alternative, will not reverse those trends. Insead, it bows to political pressure to create a plan with a minumum impact on those industries that have already degraded or destroyed sagebrush ecosystems, particularly livestock grazing, mining, and energy development. Remington et al. 2021 noted that if substantial new conservation measures to curb those activities are not put into place, GRSG populations will continue to decline and their range will continue to contract. As a result, Alternative 5 has an extremely low probability of successfully conserving GRSG and is more likely to be a prescription for extinction.

Alternative 1, 2, 4, and 6 are also insufficient to meet the GRSG conservation goal because, respectively, they would either continue current management, roll back management to plans in place in 2019, update management area boundaries based on new information, or add ACECs to Alternative 5 management prescriptions but then manage those ACECs with fewer restrictions.

Recommendation: Adopt Alternative 3 with the added measure of withdrawing all priority SGGR habitats from all mining and energy development activities.

AFFECTED ENVIRONMENT, ENVIRONMENTAL CONSEQUENCES – Climate Change

Planning criteria for the DRMPA/EIS take into account climate change and the accelerating effects that climate change has on GRSG habitats (DRMPA/EIS at p.1-5). Nonetheless, climate

information often seems like an afterthought in discussions about the adequacy and durability of conservation measures for GRSG habitats in the face of changing conditions associated with climate change, including measures in the existing RMPs. Moreover, there is essentially no discussion of how management actions within the RMPs will affect climate change.

Most of the information presented regarding climate change in the Affected Environment section is mostly presented in fragmented and conclusory statements relative to other features of the environment. For example, this statement from DRMPA/EIS at p. 3-30,

> Climate change may affect the availability of wild horse and burro forage or water resources as well as rangeland health; AMLs for herds were established based on past conditions, including vegetation and water resources. Should available forage or water resources be reduced due to a change in climate, current AMLs may no longer be appropriate, rangeland conditions may be impacted, and herd health impacted due to a lack of resources.

This statement does not acknowledge that historic AMLs are already very likely to have become inappropriate due reduced resources caused by climate change, and this section offers no commitment to perform such an analysis. Worse, even this brief discussion and recognition that available forage and water may not be able to sustain historic grazing use is missing from the discussion of livestock grazing in the following section (DRMPA/EIS at pp. 3-30 to 3-32).

Similarly, in the Environmental Consequences section, there is no discussion of the impact that livestock grazing has on climate change despite a significant amount of scientific literature available on that topic (see Kauffman et al. 2022, 2023). Nor is there any discussion of how mining or energy development impact climate change, or how those impacts would be reduced by additional restrictions on those activities as a conservation measure to protect GRSG.

It is impossible for members of the public to understand predictions about the consequences of alternative management actions and the likelihood of successful SGGR conservation without a clear understanding of how climate and climate change control the affected environment and the long-term success or failure of GRSG management efforts (see Cook et al. 2022, Sheffield et al. 2023).

Recommendation: Present climate change information and analyses in a single section placed at the top tier of the outline hierarchy where it is given equivalent significance to other primary subjects such as vegetation, livestock grazing, and mineral resources.

Clearly indicate how climate change predictions are derived and how they influence management decisions including specifically how climate change affects the long term risks those decisions present for long-term SGGR conservation, and how increased restrictions on livestock grazing, mining and energy development would decrease the effects of climate change.

APPENDIX 5 – Evaluation of ACECs

A table in the DRMPA/EIS refers to “Additional Externally Nominated GRSG ACECs” (DRMPA/EIS at Appendix 5, p.5-3). The table lists seven such nominations including one for an area named “McDermitt Caldera” located in NE Nevada/SE Oregon but with “no specific area delineated.” However, the petition for that ACEC refers to a specific geographic feature that is “roughly” 28 miles long and 22 miles wide, dimensions which can be easily converted to an area of 394,240 acres (Fite et al. 2023).

Although the other six nominations are analzed in the DRMPA/EIS by name and in detail, there is no further mention of the McDermitt Caldera petition.

Recommendation: Provide an analysis and recommendation for disposition of the McDermitt Caldera ACEC petition.

CONCLUSION

For reasons explained above, I urge the BLM to:

(1) Adopt a GRSG conservation goal using language taken directly from the BLM special status species policy with minimal modification, specifically,

> To initiate proactive conservation measures to reduce or eliminate threats to GRSG and the ecosystems on which they depend, and to minimize the likelihood of and need for their listing under the Endangered Species Act.

(2) Adopt Alternative 3 for GRSG conservation on BLM lands, with the added measure of withdrawing all priority GRSG habitats from all mining activities.

(3) Present climate change information and analyses in a single section of the final DRMPA/EIS placed at the top tier of the outline hierarchy where it is given equivalent significance to other primary subjects such as vegetation, livestock grazing, and mineral resources. Clearly indicate how climate change predictions are derived and how they influence management decisions including specifically how climate change affects the long term risks those decisions present for long-term GRSG conservation, and how increased restrictions on livestock grazing, mining and energy development would decrease the effects of climate change.

(4) Provide an analysis and recommendation for disposition of the McDermitt Caldera ACEC petition in the Final DRMPA/EIS.

Thank you for your interest in better conservation of the GRSG,

Sincerely,

/s/ Marc Liverman

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May 14, 2024

Submitted electronically: BLM_HQ_GRSG_Planning@blm.gov and https://eplanning.blm.gov/eplanning-ui/project/2016719/510

Quincy Bahr
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RE: **Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning -- ACEC Designations**

Dear Mr. Bahr:

The State of Utah ("State"), through the Public Lands Policy Coordinating Office ("PLPCO"), in coordination with the Utah Division of Wildlife Resources ("DWR"), has reviewed the Bureau of Land Management's ("BLM") Draft Resource Management Plan Amendment ("DRMP") and Draft Environmental Impact Statement ("DEIS") for Greater Sage-grouse and provides the following comments regarding the designation of Areas of Critical Environmental Concern ("ACEC") outlined in Alternatives 3 and 6 of the DRMP:

Although BLM has identified Alternative 5 as the "preferred alternative," which does not include ACECs, the State does not support the designation of ACECs under any of the proffered alternatives. As discussed more fully below, such designations are unnecessary and inconsistent with state and local resource management plans. The management prescriptions identified throughout the DRMP are designed to provide the most effective management for the conservation of sage-grouse. There is no identified need for management prescriptions beyond those contemplated in the DRMP and, therefore, no need for special management associated with ACECs. The State therefore supports BLM's identification of Alternative 5 as the preferred alternative, as it does not include the designation of ACECs for sage-grouse in Utah.

With respect to Alternatives 3 and 6, which may still be adopted in whole or in part, the State cannot support the designation of an ACEC until the BLM meets the requirements set forth in Utah Code § 63L-11-303. Under that statute and in addition to complying with the definitional requirements of the Federal Land Policy and Management Act of 1976 ("FLPMA"), an ACEC designation must address several relevant requirements. First, it must be "clearly demonstrated that the proposed designation is consistent with the plans and policies of the state and of the county where the proposed designation is located." As it relates to Alternatives 3 and 6, the DRMP has failed to evaluate whether the proposed ACEC designations are consistent with the State or the County's resource management plans. In the event the BLM deviates from the preferred alternative to include ACECs in Utah, the State renews its request for a full review of the management plans for the State and all affected counties to ensure consistency.

Second, BLM must analyze all potential actions which are consistent with the multiple use and sustained yield principles outlined in FLPMA and provide analysis for any proposed special management that would affect those principles. Additionally, the proposed area and associated management prescriptions must be "limited in scope of the minimum necessary to specifically protect and prevent irreparable damage to the relevant and important values identified." Alternative 3 includes the most extensive management prescriptions imaginable, including the elimination of all other multiple uses on sage-grouse habitat. Those prescriptions are inconsistent with FLPMA and legally untenable. Regardless, however, given the extent of management outlined under Alternative 3, no additional "special management" is required to protect sage-grouse and ACECs should not be considered. Alternative 6 is less prescriptive than Alternative 3 and includes ACEC-specific management prescriptions that differ from those outlined in Alternative 5. Nevertheless, BLM has failed to identify why management prescriptions beyond those already contemplated under Alternative 5 are necessary to protect sage grouse. BLM has therefore failed to justify its reasoning for including ACECs under either Alternative 3 or Alternative 6.

Third, BLM must ensure that ACEC designations are not applied redundantly over existing protections provided by other state and federal laws for federal lands or resources on federal lands. Moreover, to the extent there are existing protections in the proposed areas, BLM must justify any management requirements needed in addition to those specified by other laws. No such analysis has been provided for ACEC designations under Alternatives 3 and 6.

Fourth, "it must be clearly demonstrated that the proposed area is limited only to areas that are already developed or used or to areas where no development is required." The proposed ACECs under Alternatives 3 and 6 include areas that are not yet developed and/or include development potential. The State is therefore concerned about the proposed boundaries and pending limitations on development in those areas. Again, in the event the BLM deviates from the

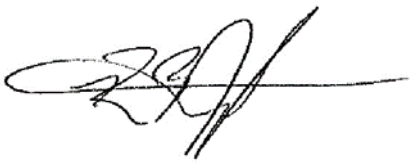
preferred alternative, the State requests further evaluation of the development potential in any proposed ACEC boundaries to ensure those boundaries are consistent with this requirement.

Fifth, the BLM must identify and justify the difference between special management required for the ACEC and normal multiple-use management authorized by FLPMA. As discussed above, the BLM has not justified the proposed "special management" under Alternatives 3 and 6 and therefore has not satisfied this requirement. Sixth, it must be clearly demonstrated that the proposed designation is not a substitute for a wilderness suitability recommendation or an excuse or justification to apply de facto wilderness management standards. Again, there is no such evaluation in the DRMP, and it therefore fails to meet the requirements outlined in the Utah code.

Finally, the State would like clarification as to how the areas that were formerly identified as sagebrush focal areas ("SFA") will interact with any potential ACEC designation. Would an ACEC designation take the place of SFAs entirely, or could there be areas that are simultaneously designated as priority habitat management areas , SFA, and ACEC?

The State submits these comments to adhere to the deadline for ACEC-related comments in the DRMP. However, the State is continuing its review of the DRMP and DEIS and will provide additional comments in advance of the deadline for submission of all comments. In the meantime, please direct any written correspondence to the PLPCO at the address below or call to discuss any questions or concerns.

Sincerely,



Redge B. Johnson
Director

June 13, 2024

Comments Regarding the March 15, 2024 Notice of Availability of the Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning

Bureau of Land Management

Submitted by:

Energy and Wildlife Action Coalition

Filed electronically to the attention of:

Attn: NEPA No. DOI-BLM-WO-2300-2022-0001-RMP-EIS
Bureau of Land Management
Utah State Office
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440 W. 200 South #500
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The Energy and Wildlife Action Coalition ("EWAC")[1] submits these comments in response to the Bureau of Land Management's ("BLM") Notice of Availability of the Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning ("Draft RMPA/EIS").[2] EWAC has previously submitted comments on BLM's greater sage-grouse ("GRSG") efforts dating back to the 2019 Resource Management Plans ("RMPs") and on the 2022 Notice of Intent to Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statements. EWAC provides these comments based upon the knowledge and experience of its membership.

EWAC believes stakeholder input is critical to this process and appreciates the opportunity to comment. The Biden Administration has prioritized grid modernization and deployment of renewable energy on federal lands,[3] and EWAC agrees that renewable energy and electric infrastructure development on federal lands are instrumental to achieving the Biden Administration's goals to address climate change and ensure that safe, reliable, affordable, and increasingly cleaner energy is available to all communities throughout the United States. EWAC also understands that species conservation is not only a Biden Administration priority but also an important piece of the Administration's climate change strategy.

In general, EWAC is supportive of the BLM's preferred alternative (Alternative 5) in the Draft RMPA/EIS, which updates the data available on GRSG and increases flexibility for renewable energy and electric infrastructure development on public lands. However, EWAC has some concerns regarding the approach the BLM has taken specific to renewable energy and electric infrastructure development on public lands. Below EWAC provides recommendations to BLM that would help balance the Biden Administration's renewable energy and grid modernization goals with its conservation goals as it proceeds with amending the GRSG RMPs.

I. EWAC supports the BLM's preferred alternative (Alternative 5).

Of the six alternatives BLM proposes and examines in the Draft RMPA/EIS, EWAC supports BLM's preferred alternative (Alternative 5). BLM's stated purpose in developing Alternative 5 is to attempt to balance GRSG conservation with public land uses.[4] EWAC agrees that, of the six alternatives proposed, Alternative 5 will provide the most flexibility for renewable energy and electric infrastructure while also altering existing habitat management areas to ensure protection of GRSG habitat.

Specifically, EWAC supports Alternative 5's proposed management of General Habitat Management Areas ("GHMA") as open to right-of-way application and utility-scale wind and solar development with minimization measures to maintain GRSG habitat. EWAC believes that designating GHMA as open to renewable energy and electric infrastructure development and Priority Habitat

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[1] EWAC is a trade association formed in 2014 whose members consist of electric utilities, electric transmission providers, and renewable energy entities operating throughout the United States, and related industry trade associations. The fundamental goals of EWAC are to evaluate, develop, and promote sound environmental policies for federally protected wildlife and closely related natural resources while ensuring the continued generation and transmission of reliable and affordable electricity. EWAC supports public policies, based on sound science, that protect wildlife and natural resources in a reasonable, consistent, and cost-effective manner. EWAC is a majority-rules organization and therefore specific decisions made by the EWAC Policy Committee may not always reflect the positions of every member.

[2] 89 Fed. Reg. 18,963 (Mar. 15, 2024).

[3] *See* E.O. 14008, *Tackling the Climate Crisis at Home and Abroad*, 86 Fed. Reg. 7,619 (Feb. 1, 2021).

[4] *Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement, Vol. 1*, BLM ES-5 (March 2024), https://eplanning.blm.gov/public_projects/2016719/200502020/20105921/251005921/GRSG_DEIS_Vol1_508.pdf [hereinafter "Draft RMPA/EIS"].

Management Areas ("PHMA") as avoidance zones instead of exclusion zones strikes a better balance than the other alternatives. These changes allow for more focused, project-specific assessments of renewable energy and electric infrastructure applicability, instead of blanket applications that may not reflect on-the-ground conditions.

II. BLM should provide mechanisms to factor into account on-the-ground realities of GRSG habitat.

EWAC recognizes that landscape-scale planning has its advantages in efficiency and large-scale administration, and believes one of the advantages of Alternative 5 is its uniform application across states. However, BLM should consider in the Final Rule methods and pathways to allow for flexibility where on-the-ground circumstances and data from other stakeholders, such as state fish and wildlife agencies, who may have better local area data and knowledge, do not align with RMP assumptions regarding suitability for GRSG. For example, each of the alternatives in the Draft RMPA/EIS propose to label large swaths of land as either PHMA or GHMA, and prescribes to designate those areas as either exclusion, avoidance, or open to development. However, within those designated areas, there are locations where no GRSG habitat is present even within a several mile radius of designated PHMA or GHMA. For those instances, restriction on development is unnecessary.

EWAC favors a flexible approach to GRSG management that will account for instances where the on-the-ground data does not support restrictions. The Draft RMPA/EIS does follow this approach in some regards; for example, Alternative 5 provides for site-specific exceptions to PHMA avoidance areas when certain criteria are met, and allows for RMP-designated corridors where projects would not need to comply with disturbance cap or compensatory mitigation requirements.[5] EWAC encourages BLM to allow for the implementation of additional measures in the Final Rule that will allow for site-specific variability, perhaps allowing land managers to authorize a wider range of uses where local studies show no GRSG are present or degraded habitat that would take extensive, proactive management to support the species long-term.

III. BLM lacks conclusive data to support its assertions with regards to the impacts of renewable energy development on GRSG.

EWAC is concerned with the Draft RMPA/EIS's stated reliance on scientific studies from other industries, including oil and gas development, to inform its assumptions on the impacts to GRSG from wind, solar, and electric development. BLM admits that the impacts of renewable energy and electric infrastructure on GRSG are "anecdotal" and have not been as widely studied as those from other industries.[6] Existing studies cited in the Draft RMPA/EIS are not conclusive: tall vertical structures "***may*** displace GRSG from their habitat" and GRSG "***may*** abandon leks" due to various activities associated with energy development.[7]

In EWAC's view, broad assumptions of adverse impacts extrapolated from other forms of development are insufficient to determine actual impacts of renewable energy development and electric infrastructure on GRSG and likely overstate impacts, particularly when other studies specific to renewable energy generation and transmission and distribution infrastructure for other grouse species do not arrive at the same conclusions or show far less adverse impact. BLM should ensure that the impacts to GRSG attributed to renewable energy and electric infrastructure are consistent with good science and without being overly speculative. Without sufficient evidence indicating that renewable energy and electric infrastructure negatively impacts GRSG habitat and population, BLM cannot adequately determine whether and how to

[5] *Id.* at 2-97–2-98.
[6] *Id.* at 4-6.
[7] *Id.* (emphasis added).

restrict such development to meaningfully conserve GRSG.[8] EWAC is concerned that the habitat management plans proposed in the Draft RMPA/EIS rely on worst-case scenarios instead of likely outcomes. EWAC cautions BLM from relying on too many conservative assumptions regarding impacts of renewable energy and electric infrastructure on GRSG habitat.

EWAC is also concerned that BLM may be discounting or ignoring studies that demonstrate take is not occurring where renewable energy and electric infrastructure development occurs in or near GRSG habitat. Indeed, some of these studies indicate a lack of harm and instead suggest potential compatibility between GRSG and renewable energy development.[9] In the Final Rule, BLM should give more weight to these studies and ensure the measures set forth in any final documentation are supported by the relevant data.

IV. The mitigation approach set forth in the RMPs is lacking in sufficient clarity.

EWAC's concerns regarding the data relied upon to support a finding of impacts to GRSG spill over to the BLM's proposed mitigation approach. EWAC favors Alternative 5's "no net loss" mitigation standard as compared to the existing RMPs "net conservation standard" suggested in Alternative 1.[10] However, the Draft RMPA/EIS does not provide sufficient detail on how mitigation requirements will be administered. This detail is important to ensure consistency and predictability of a requirement that carries significant costs.

As explained in Section III above, EWAC believes the Draft RMPA/EIS does not rely on the best available and most accurate data for impacts to GRSG from wind, solar, and electric infrastructure development. Applying the "no net loss" standard may therefore result in mitigating for impacts that are not occurring. Additionally, the RMPA/EIS does not provide detail on how mitigation will be assessed and what may be required. Given mitigation can have a significant impact on project costs, it is important for any final rule to provide clarity on how the mitigation requirement will be administered to allow potential applicants to factor those costs into project development. It is also critical that any avoidance, minimization, and mitigation required align with actual impacts to GRSG based on site-specific conditions.

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[8] BLM should also consider how its GRSG RMPs will be interpreted in light of the U.S. Supreme Court's imminent decisions in ***Loper Bright Enterprises v. Raimondo*** and ***Relentless, Inc. v. Department of Commerce***. Currently, BLM is afforded significant deference under ***Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.***, 467 U.S. 837 (1984) in promulgating its regulations. Should the Supreme Court modify or repeal the ***Chevron*** Doctrine, BLM's RMPs will likely have to withstand increased scrutiny. In any final rule, EWAC encourages BLM to provide regulatory revisions that are not based on a merely permissible interpretation of the statute, but rather reflect the most accurate and reasonable interpretation of the statutory language and legislative intent.

[9] ***See, e.g.***, LeBeau, C. W., Johnson, G. D., Holloran, M. J., Beck, J. L., Nielson, R. M., Kauffman, M. E., Rodemaker, E. J., & McDonald, T. L. (2017). Greater sage-grouse habitat selection, survival, and wind energy infrastructure. ***The Journal of Wildlife Management,*** 81(4), 690–711. https://doi.org/10.1002/jwmg.21231 (finding limited impacts of wind structures on GRSG); Gerringer, M.G., K.T., Smith, and K.L. Kosciuch. In Press. Observations of Greater Sage-Grouse at a Solar Energy Facility in Wyoming. Western North American Naturalist, 2022. https://scholarsarchive.byu.edu/wnan/vol82/iss1/21/ (finding compatibility of solar development with GRSG development).

[10] The "no net loss" mitigation standard proposed in Alternative 5 more closely aligns with CEQ's mitigation policy than the 2015 RMPs standard of requiring a "net conservation gain," and eases the burden on renewable energy developers attempting to balance cost-effective siting and construction with GRSG conservation. ***See MS-1794 – Mitigation Manual (P)***, BLM (Sept. 22, 2021).

V. Proposed habitat maps included within the Draft RMPA/EIS do not align with state GRSG habitat maps.

In their review of the Draft RMPA/EIS, EWAC members have noted that at least one of the proposed habitat maps included in Volume 2, Appendix 1 of the Draft RMPA/EIS does not align with state GRSG habitat maps. Specifically, the map displaying proposed GRSG Habitat Management Areas under Alternative 5 (Map 2.5) does not reflect a recent amendment where BLM removed a PHMA designation from certain lands in Wyoming. The proposed map in the Draft RMPA/EIS would reinstate as PHMA the area that BLM recently removed from that designation. The discrepancy between the maps would have a meaningful effect on project feasibility. BLM should ensure and clarify which maps will be used and make corrections to maps that better align with local data in the final rule.

VI. BLM should ensure that its efforts to conserve GRSG habitat are congruent with other BLM objectives.

When finalizing the RMPA/EIS, BLM must ensure that its various efforts work compatibly together to further its objectives. BLM has recently issued its Draft Programmatic Environmental Impact Statement for Utility-Scale Solar Energy Development ("Draft Solar PEIS")[11] and final Rights-of-Way, Leasing, and Operations for Renewable Energy Rule,[12] both of which have the potential to impact renewable energy and electric infrastructure development on BLM lands as standalone efforts. BLM must consider how these efforts, taken as a whole, could impact renewable energy and electric infrastructure development when applied together. For example, the Draft Solar PEIS contained, in EWAC's view, several elements that would further deter rather than support solar energy deployment on federal lands. Included in these restrictive elements is a proposed blanket restriction of solar development on all GRSG habitat.[13] BLM should be mindful of how the exclusion and avoidance areas for wind, solar, and electric infrastructure proposed by the Draft RMPA/EIS will further restrict renewable energy, transmission, and distribution infrastructure development when combined with other efforts such as the Draft Solar PEIS. BLM must be careful to ensure that its efforts work together to promote the agency's and Biden Administration goals rather than unintentionally creating impediments.

VII. Conclusion.

EWAC is appreciative of the land use planning initiative undertaken by BLM to address the management of GRSG habitat on BLM-administered public lands while promoting greater flexibility for renewable energy and electric infrastructure development. EWAC respectfully requests that these comments be given due consideration in the Final Rule. EWAC looks forward to continued coordination and participation in this process and is happy to discuss any aspects of these comments in greater detail as may be helpful.

***

Please feel free to contact the following EWAC representatives:

Jennifer A. McIvor, EWAC Policy Chair, jennifer.mcivor@brkenergy.com, 712-352-5434
John M. Anderson, EWAC Executive Director, janderson@energyandwildlife.org, 202-674-8569
Brooke Marcus, Nossaman LLP, bmarcus@nossaman.com, 512-813-7941

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[11] *Notice of Availability of the Draft Programmatic Environmental Impact Statement for Utility-Scale Solar Energy Development and Notice of Public Meetings*, 89 Fed. Reg. 3,687 (Jan. 19, 2024) ["Draft Solar PEIS"]. EWAC submitted comments on the Draft PEIS on April 18, 2024.

[12] *Right-of-Way, Leasing, and Operations for Renewable Energy*, 89 Fed. Reg. 35,634 (May 1, 2024). EWAC submitted comments on this rule on August 15, 2023.

[13] Draft Solar PEIS at ES-17.

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June 7, 2024

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Salt Lake City, UT 84101

Via Email:
BLM_HQ_GRSG_Planning@blm.org

Re: Draft Resource Management Plan Amendment (RMPA) and Environmental Impact Statement (DEIS) for Greater Sage-Grouse Rangewide Planning

Mr. Branham, Ms. Germann, and staff:

The Montana Department of Livestock (MDOL) welcomes the opportunity to comment on the *Draft Resource Management Plan Amendment and Environmental Impact Statement* on Greater Sage-Grouse (GRSG). In addition to the comments included here, MDOL refers to (and incorporates) its February 7, 2022 comment on the *Notice of Intent to Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statements*.

1. **Montana's current GRSG plan has produced successful results.**

Montana continues to operate under the 2015 GRSG plan. There is great concern that BLM's pending review will not honor the contributions that all stakeholders have made since the implementation of the 2015 plan. Any resulting amendments to Montana's resource management plans (RMPs) must

honor the progress that has been made collaboratively between landowners and government agencies since 2015.

2. **Alternatives that implement across-the-board Animal Unit Month (AUMs) contradict best available science and are inconsistent with the Federal Land Policy and Management Act's (FLPMA) multiple use, sustained yield requirement.**

MDOL is the state agency responsible for fostering and promoting the livestock industry in Montana. Public land grazing is a primary component to the success of many livestock operations, associated businesses, and rural communities. MDOL's primary concern when an RMP amendment is proposed is the potential AUM reductions on BLM allotments or shortened periods of use for grazing allotments. Each AUM represents real economic value in terms of total livestock that can be supported on the landscape, and sold or marketed into the greater supply chain to return revenue to business owners and the local tax base.

AUM reductions through GRSG amendment would significantly and detrimentally impact livestock producers in Montana. These losses are unnecessary. As noted multiple times in the DEIS, livestock grazing is compatible with GRSG habitat. DEIS § 2.5.10, at 2-103 ("[W]ell-managed public lands grazing done in accordance with the laws that guide livestock grazing management . . . can be compatible with GRSG persistence."); *see id.* § 3.8.1, at 3-32 ("[L]ivestock have also been observed to not impact nest success of GRSG at current grazing levels."); *id.* § 4.2.1, at 4-8 ("Well managed livestock grazing may change plant community composition, increase productivity of selected species, increase forage quality, and later structure to increase habitat diversity, and can positively effect GRSG habitat suitability.").

Any RMP amendment that reduces or eliminates grazing AUMs, like that proposed by Alternative 3 in Priority Habitat Management Areas, creates unnecessary loss to producers and is inconsistent with the best available science that demonstrates GRSG and livestock grazing can successfully co-exist. Additionally, rendering all GRSG habitat unavailable to grazing would not fulfill FLPMA's multiple use, sustained yield requirement, and would not acknowledge that "impacts on GRSG habitat from livestock grazing vary tremendously in space and time." *Id.* § 4.2.1, at 4-7.

3. **Pending research is expected to demonstrate that current livestock grazing levels on public lands do not adversely impact GRSG nesting.**

Emerging research indicates that current livestock grazing levels on public lands do not impact GRSG nest success. Bartholdt, R. 2023. Grouse and grazing. Researchers Learn Grazing Has No Effect on Sage Grouse Nest Success. This ten-year study conducted by Dr. Courtney Conway at the University of Idaho is expected to result in publication within the next six months. MDOL opposes proceeding with any alternatives that reduce AUMs under any circumstances, but especially before the published research results from Dr. Conway's study are available. MDOL urges the BLM to consider the published results once available and incorporate them into the final EIS.

Sincerely,

Michael S. Honeycutt

Michael S. Honeycutt
Executive Officer
Montana Department of Livestock

For Board Ratification on May 22, 2024

May 14, 2024

Bureau of Land Management
BLM Utah State Office
Attn: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84101

Via Email: BLM_HQ_GRSG_Planning

RE: White Pine County, Nevada Comments Regarding the Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for Greater Sage-Grouse Areas of Critical Environmental Concern (DOI-BLM-WO-2300-2022-0001-RMP-EIS)

To whom it may concern,

White Pine County, Nevada (County) has served as a Cooperating Agency on the above listed document, attended nearly every Cooperating Agency meeting, provided Cooperating Agency comments, provided scoping comment, and participated in several public hearings for the BLM's Draft Resource Management Plan Amendment and associated Draft Environmental Impact Statement (Draft RMPA/EIS). It is from this experience and engagement that the County offers the below comments specific to the BLM's proposed Areas of Critical Environmental Concern (ACECs). Designation of ACECs without adequate engagement has the potential to greatly and negatively impact the County's customs, culture and economy given the direct nexus between these values and the multiple use management of public lands.

The County participated in the April 16, 2024 Public Meeting in Reno, Nevada as well as the BLM's presentation to the Nevada Sagebrush Ecosystem Council on April 19, 2024. In both presentations, BLM representatives clearly stated that comments related to ACECs would be considered up until the close of the 90-day Draft RMPA comment period on June 13, 2024. Upon its review of the Federal Register Notice, the County identified the following language, "This notice also announces the opening of a 60-day comment period for ACECs. The BLM **must** receive your ACEC-related comments by May 14, 2024" (**emphasis added**). The County finds the BLM's comments and notice to be confusing and contradictory. There is simply too much integration between proposed ACEC designations and the Draft RMPA/EIS to bifurcate the comment period. **As such, the County is requesting a 60-day extension for ACEC comments and a 30-day extension for Draft RMPA/EIS comments (120-days for both). At minimum, the BLM must synchronize the ACEC and Draft RMPA/EIS comment periods through a new Federal Register Notice to eliminate any confusion and ambiguity.**

The County did want to go on record within the 60-day ACEC comment period, as noticed, to state its OPPOSITION to designation of ACEC within the County as part of the Draft RMPA/EIS. The County reserves the right to supplement this comment as part of its overall submission to the Draft RMPA / EIS given the statements made by BLM in multiple public meetings. In summary, the BLM has NOT:

- Justified the need for ACECs;
- Clearly distinguished how the proposed ACECs are more important than any other Sage-grouse habitat within White Pine County; nor,
- Met its own relevance and importance criteria for designating ACECs.

The County would call the BLM's attention to its Cooperating Agency comments on the matter if additional detail were so desired.

The County will continue reviewing the Draft RMP / EIS but is extremely concerned with both the process and the product as relates to proposed ACECs.

Sincerely,

Laurie L. Carson, Chair
White Pine County Board of Commissioners

CC: Nevada Congressional Delegation
Governor Joe Lombardo
Jon Raby, BLM Nevada State Director
Robbie McAboy, District Manager, Ely District Office BLM
White Pine County Natural Resources Advisory Committee

For Board Ratification on May 22, 2024

May 14, 2024

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White Pine County Board of Commissioners

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White Pine County Natural Resources Advisory Committee

OFFICE OF SPECIES CONSERVATION

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Governor

MICHAEL R. EDMONDSON
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June 13, 2024

BLM Utah State Office
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440 West 200 South #500,
Salt Lake City, UT 84101
BLM_HQ_GRSG_Planning@blm.gov

To whom it may concern:

The Idaho Governor's Office of Species Conservation (OSC) has coordinated state agency comments with Idaho Department of Fish and Game, Idaho Department of Lands, Idaho State Department of Agriculture, Idaho Department of Parks and Recreation, and the Idaho Governor's Office of Energy and Mineral Resources to produce a consolidated state agency comment letter that is aimed at providing input to the BLM on the 2024 Greater Sage-grouse (GRSG) Draft Resource Plan Amendments (RMPA) and Environmental Impact Statement (EIS) published on March 15, 2024. The State of Idaho also reached out to several stakeholders to understand their perspectives on the planning language in the DEIS.

In general, the State of Idaho is encouraged by the BLM selecting Alternative 5, which largely aligns with the State of Idaho's 2021 GRSG plan, as the preferred alternative. However, we do see places for improvement and clarification within Alternative 5. The Draft EIS is very difficult to comprehend, sending the reader to multiple documents (2015, 2019, 2024) to understand what might be implemented if a certain Alternative is selected. The State of Idaho requests that the Final EIS include a table or document detailing all the management directives of the new RMPA in one document, instead of pointing the reader to multiple other documents.

The BLM should also consider adding clarifying language to several aspects of the document regarding:

- How Adaptive Management thresholds will be defined, quantified, and implemented and what land uses could be impacted by a population or habitat threshold being exceeded;
- When the WAFWA lek definitions will take effect and how the change pertains to projects that are currently going through the NEPA process;
- How the RMPA language will be implemented consistently between BLM field offices;
- How the Solar PEIS and the Land Health Conservation Rule will interface with the RMPA;
- How the BLM will ensure valid existing rights are protected;
- How improper grazing will be managed through the land health standards within BLM's existing rules and not be subject to additional RMPA regulation, etc.;

- Alternative 5 should explicitly state that the RMPA would apply only to BLM managed lands (surface and subsurface) that are designated as GRSG Habitat Management Areas (HMAs).
- Why the No Action alternative is Alternative 2 (2019 ARMPA) which was never implemented due to a court injunction; and
- How significant delays can be avoided for otherwise BLM-authorized projects due to up-front requirements for compensatory mitigation (Alternatives 3-6), which can require many years to produce functional GRSG habitat (e.g., process that appropriately authorizes project initiation prior to compensatory mitigation while ensuring project impacts are fully offset over time).

Additionally, ACEC designations were not considered consistently across states based on the acreage of ACECs proposed in Idaho. The State opposes ACEC designations in Idaho, because they are unnecessary, duplicative and overly burdensome, due to the protections already provided by Priority Habitat Management Areas (PHMA). The State is also concerned that significant restrictions or removal of permitted uses on BLM lands may affect the Idaho Department of Lands constitutional mandate to generate funds for the endowments.

Conserving GRSG and maintaining Idaho's economic vitality are priority goals for the State. Ensuring that PHMA is protected over the long-term is pivotal to achieving these priority goals and avoiding an Endangered Species Act listing. However, a reasonably flexible RMPA is also essential if future critical societal needs for infrastructure or resource development might arise in PHMA. In addition to the RMPA's Technical and Policy teams, project-specific NEPA processes will therefore be crucial to ensure that GRSG conservation is prioritized in PHMA while also appropriately balancing societal needs.

Based on our review, we also offer the attached detailed comments to inform BLM's Final RMPA/EIS. Idaho believes these comments will help improve the Final RMPA/EIS and lead to a balanced and science-based plan that provides adequate range-wide regulatory mechanisms for GRSG while maintaining the economic vitality of rural communities.

Thank you for the opportunity to be a part of this process. The State of Idaho looks forward to working with you and other cooperators to shape GRSG habitat management on federal lands.

Please direct questions to Joshua Uriarte, Terrestrial Species Program Manager and Policy Advisor (208-332-1556, joshua.uriarte@osc.idaho.gov)

Sincerely,

/s/ *Mike Edmondson*

MIKE EDMONDSON
Administrator

OFFICE OF SPECIES CONSERVATION

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June 13, 2024

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Sincerely,

/s/ *Mike Edmondson*

MIKE EDMONDSON
Administrator

WILDLANDS DEFENSE

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6/13/24

Dear BLM,

WildLands Defense, Alliance for the Wild Rockies, Native Ecosystems Council and Yellowstone to Uintas are submitting a series of illustrative recent Grazing Appeals and BLM EAs being conducted across the range of Sage-grouse for livestock and vegetation manipulation projects in irreplaceable Sage-grouse habitats in portions of Sage-grouse range. These same deficiencies are found in Montana, Utah, Colorado, eastern California and other grazing and vegetation manipulation decisions that we have reviewed.

We ask that you incorporate the discussions of cumulative impacts in the attached comments/appeals/objections on BLM and Forest Service EAs into our comments on the deficiencies of the 2024 Sage-grouse DEIS. These include many other additional vegetation manipulation projects, the BLM Solar DEIS, and a host of new transmission lines and other energy development in Sage-grouse habitats. These impacts must be considered to understand the full weight of current ecological stresses on survival and persistence of local ad regional Sage-grouse populations.

Grazing Appeals and Decisions submitted include:

Jarbidge (Devil Creek). BLM fails to require any significant restoration of sagebrush habitat – despite the Jarbidge landscape that having suffered major fire and has dense expanses of exotic livestock forage grasses - particularly crested wheatgrass, and dense livestock upland water projects and very small pastures with a high density of barbed wire Sage-grouse killing fencing. Instead of acting to restore and recover sagebrush habitat here, the Devil Creek EA ROD greatly expands livestock facility sprawl, and allows for increased cattle and sheep stocking and intensified grazing disturbance. BLM claims that the severe grazing that would result would increase sagebrush – ignoring the extensive scientific literature on flammable weed risk and expanded habitat loss from the severe grazing proposed.

Idaho (Boise District BLM Bruneau) BLM. Battle Creek East Castle Creek Owens (BECO). BLM wrongly claims expanding exotic flammable grasses are not a threat to Sage-grouse on the Owyhee Plateau – ignoring documentation of flammable invasive species spread from over a decade ago, and embraces large-scale livestock facility sprawl including flammable weed-infestation causing water hauling, and minimal and excessive livestock use standards amid Priority habitat.

Idaho (Boise District BLM Bruneau). Big Springs allotment. Dickshooter/Simplot use area: Two BLM decisions with cattle stocking vastly in excess of actual use have now been issued and then retracted by BLM. The Big Springs JBS Black use area : The ROD imposes 20 new livestock facilities in an allotment already dense with stagnant stock ponds and other developments. Big Springs Sierra Del Rio use decision imposes area

WildLands Defense is a 501(c)3 nonprofit corporation dedicated to protecting and improving the ecological and aesthetic qualities of wildlands and wildlife communities in the Western United States

with 17 new livestock facility projects and water hauling to unknown sites (plus a slew of additional projects to be segmented in with a later CX). Like so many of the recent BLM decisions, these Big Springs decision rely on cobbled together often largely out-dated rangeland health data. This includes veery inadequate HAPF analyses using AIM sites as surrogates for actually doing the work of collect5ing current Sage-grouse habitat condition data in areas actually grazed by livestock – rather than random AIMN sites amid rockfields and other areas.

Oregon (Lakeview District). O'Keeffe allotment. BLM expands Sage-grouse-killing fencing –despite claiming there were no land health problems – simply because the permittee (past head Oregon Cattlemen 's Assoc. president wanted the project. WLD site visits found evidence of Sage-grouse collisions with existing fences in these lands with an extremely high density of Sage-grouse sign located immediately adjacent to Hart Mountain NWR. The lands also include an ACEC.

Oregon (Burns District). Alvord allotment. This spotlights the inadequacies of Oregon and some other state 's Sage-grouse habitat categorization. Despite 6 leks present, the state had failed to identify any Priority habitat under Oregon's extremely "core" habitat lek categorization scheme (as opposed to Nevada and some other states that rely less on selecting only the areas with the most numerous birds). BLM conducted no integrated analysis of the effects of the Decision's planned 7 new livestock wells, rampant water hauling (including inside WSAs) expanded and harmful cattle use periods that overlap Sage-grouse nesting habitat and impose hot season use, and imposing "zombie" (suspended) AUMs that were suspended in the 1960s. BLM feels free to conduct all this new habitat destroying, cheatgrass-causing activity because is not artificially categorized as "Priority". Yet extirpation of Sage-grouse here would result in a very significant perforation in GRSG range. This allotment also suffers sub-leasing, and WLD site visits found many dead cow remains, existing water haul sites destroying previously intact sagebrush habitat, and other cheatgrass invading sage brush understories.

Oregon (Burns District). Alder Creek allotment. Crazed deforestation and large-scale cattle facility sprawl in an allotment very susceptible to cheatgrass and now medusahead, These weeds are already invading past "treated" areas. The Decision would "treat" nearly then entire allotment, and build many miles of new fences and water development pipelines.

Nevada. (Elko District). Winecup Gamble allotment. BLM seeks to impose cows, sheep and goats, and a host of new livestock water facilities and fences in this allotment where significant sagebrush sage has suffered wildfires, and significant cheatgrass expansion. Williamson et al. 2019 documents cheatgrass increase in grazed burned lands. BLM also is imposing a form of the nebulous "Outcome Based Grazing" that reduces permittee accountability and loosens controls on grazing impact damage to Prioroty and other Sage-grouse habitats. BLM's Decision is stayed.

Nevada Wilson Creek. Ely District BLM. This is a massive and confusing grazing project with 10 permittees where BLM conducted a mere EA. It significantly expands fencing, water projects, water hauling, and grazing intensity in a highly uncertain chaotic manner. There is no adequate assessment of how all these changes will affect Sage-grouse at the southern edge of their range, where loss of leks would represent a range contraction. The EA also proposes massive PJ deforestation and sagebrush treatments – which were authorized separately.

Nevada. Winnemucca District BLM. Washburn Wells. BLM never even bothered to conduct baseline inventories – and instead sought to drill 2 new livestock wells and construct new pipelines and with 7 troughs , and more fences in the McDermitt Caldera where Sage-grouse are facing potential massive lithium (and also uranium mining) habitat loss, fragmentation and disturbance. Large fires have reduced sagebrush cover and made lands more susceptible to cheat when combined with chronic grazing disturbance – all exacerbated by climate change stress. This seeks to mine forage from remnant less grazed areas.

West-wide BLM has been issuing very few grazing decisions for allotments with significant land area containing Priority Sage-grouse in recent years. Complete current FRH analyses are vitally important so that sagebrush habitats are not sacrificed to shifted or intensified grazing as a result of band-aid fences by small riparian sites, or sacrificed by drilling new water wells for cows or water hauling in Sage-grouse habitats. WLD is an IP for BLM ID, OR, NV allotments.

These projects include both Trump and Biden Interior Department decisions. They illustrate how BLM efforts to address livestock grazing degradation instead serve to expand harmful management actions and facilities on top of the most critical remaining habitat areas.

Instead of working to conserve, enhance and restore sagebrush habitats, BLM goes to great lengths to minimize detection of livestock impacts, often relies on old, out-dated or inappropriate AIM data, biases processes towards ranching interests.

BLM is increasingly embracing many of the grazing schemes of the now-abandoned Trump era grazing regulation changes – such as chaotic highly uncertain “Outcome-Based Grazing” that strips accountability of ranchers for grazing-caused harm even further.

Just this week, a significant new threat to Sage-grouse and other sensitive and imperiled species West-wide occurred with the introduction of the Wyden-Barrasso grazing “flexibility” Bill which create large-scale grazing uncertainty, and appears to subvert NEPA process, gut the grazing regulations, potentially cut out the public and give permittees even more power.

Sage-grouse declines will continue unabated until BLM stops making major concessions to the subsidized public lands livestock industry, and to mining and energy developers on public lands – and the agency actually starts conserving, enhancing and restoring sagebrush habitats. We are very concerned that the EIS alternatives do not contain mandatory language and strong action elements requiring BLM to protectively manage Sage-grouse habitats, and o to conserve, enhance and restore habitats.

We stress that the above examples of grazing decisions show how poor BLM has been at following the management guidance of the 2015 ARMPAs. Also, these cited decisions show how poor the ARMPA's loose grazing provisions really have been in protecting habitats. Thus, we request that BLM issue a Supplemental EIS with a revised series of alternatives with strong protective language that actually controls livestock and other habitat harms, and does not have leeway for managers to constantly make major damaging concessions to livestock and other powerful interests, at the expense of the birds.

In addition, it is important to critically examine the acreage and specific location of projects to understand the scale of sagebrush habitat destruction that is being purposefully planned for contiguous areas of USFS sagebrush habitat in the Intermountain West, and effects on populations whose critical annual habitat use spans both BLM and USFS lands.

Please see the attached series of very similar programmatic "condition-based management" style Prescribed Fire EAs that are being issued in cookie cutter fashion by many National Forests in the Intermountain Region. These EAs encompass the great majority of Sage-grouse habitat in the Region. All these the EA proposed actions would "treat" significant areas of sagebrush, as well as cause major collateral damage and disturbance to sagebrush and a significant risk of burning from the "treatment" of forested vegetation types.

These include Prescribed Fire EAs (often with large-scale weed-causing sagebrush crushing mechanical disturbance actions included) for the Salmon-Challis Forest, Sawtooth Forest, Humboldt-Toiyabe Forest, Manti-LaSal, Caribou-Targhee Forest and others.

Attached are examples of comments and/or Objections on those documents, as well that we request you incorporate into a revised EIS process that adequately addresses the scale of threats to local and regional populations. Also, comments on a forest Service proposal to resume grazing in Vacant allotments essential for Sage-grouse in the Monitor-Toquima region (old Hage allotments and this will result in a further push for grazing old Hage Vacant BLM allotments there too) – at the very southern extent of the Sage-grouse range, potentially causing a range contraction.

Please also see the attached article and Table showing the vast acreage to be disturbed – and which will end up adversely impacting the both the habitats and the viability of populations of Sage-grouse. These fire "treatments" will expand the infestation of irreversible flammable weeds like cheatgrass into mid to higher elevation sagebrush communities, and vast areas of Pinyon-0Juniper and other forests where the USFS (as does BLM) is conducting massive deforestation projects claiming to expand and increase Sage-grouse habitat.

BLM must fully assess the full range of adverse direct, indirect, cumulative, additive and synergistic effects of the huge acreages of both BLM and USFS treatments in promoting irreversible weeds, and how BLM and USFS livestock grazing and treatment disturbance exacerbates these weed risks – even moreso in western arid lands undergoing significant climate stress. See Reisner et al. 2013, Williamson et al 2019, Kauffman et al. 2022, Kauffman et al. 2023, Molvar et al. 2024.

We have previously submitted a series of photos and documentation of the weed-causing and other adverse impacts of vegetation manipulation and "treatments" taking place due to the BLM scape-goating native arid forests for Sage-grouse declines. This is resulting in large-scale loss of migratory bird habitat, and hot, dry, windy weedy public lands. BLM must conduct a Supplemental EIS that focuses restoration within actual currently existing Sage-grouse habitats, and that uses passive restoration and removal of harmful fence and water developments as a primary activity - rather than sending hundreds of millions of dollars annually on continued large-scale destruction of native forest vegetation communities.

Sincerely,

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June 13, 2024

Comments Regarding:

Draft Resource Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Range-Wide Planning

Submitted by:

Repsol Renewables North America

Filed electronically at: https://eplanning.blm.gov/eplanning-ui/project/2016719/570

Repsol Renewables North America
1001 McKinney Suite 700
Houston, TX 77002

Via Electronic Mail

June 13, 2024

BLM Utah State Office
ATTN: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, Utah 84101
BLM_HQ_GRSG_Planning@blm.gov

RE: 2021 Greater Sage-Grouse Land Use Plan Amendments

Dear BLM Staff,

I am writing on behalf of CG Northwestern Solar I LLC (CG Northwestern Solar I), a wholly owned subsidiary of Repsol Renewables North America (RRNA). RRNA is the developer of the Robinson Solar project, which is in development in White Pine County, Nevada. RRNA submits these comments in response to the Bureau of Land Management's (BLM's) Notice of Availability of the Draft Resource Management Plan Amendment (RMPA) and Draft Environmental Impact Statement (EIS) for Greater Sage-Grouse (GRSG) Range-Wide Planning and Notice of Public Meetings (collectively Draft RMPA/EIS), published on March 15, 2024.

Through its Draft RMPA/EIS, BLM is considering amendments to 77 BLM resource management plans for up to 69 million acres of GRSG habitat management areas in portions of California, Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, and Wyoming. BLM's stated purpose for the Draft RMPA/EIS is to "…improve efficiency and effectiveness of GRSG habitat management, provide for consistent conservation across state lines, and provide the BLM with locally relevant decisions that accord with range-wide GRSG conservation goals".[1] The comments provided below are based on the RRNA team's expertise as well as knowledge gained through field data acquisition and analysis.

RRNA is developing the Robinson Solar project south of U.S. Route 50, approximately 17 miles west of Ely, Nevada. The project area consists entirely of federal land, managed by the BLM Ely District Office, Bristlecone Field Office. RRNA has been developing this project for

[1] Bureau of Land Management. 2024. *Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement*. Volume 1, p. 1-4. Salt Lake City: Bureau of Land Management, Utah State Office. Available at: https://eplanning.blm.gov/public_projects/2016719/200502020/20105921/251005921/GRSG_DEIS_Vol1_508.pdf.

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approximately 4 years, in close coordination with the Bristlecone Field Office. RRNA, through its wholly owned affiliate CG Northwestern Wind II LLC filed a Type II testing application which was serialized as NVNV105845340 (NVN-099926) and subsequently authorized through a categorical exclusion to collect solar data at the site. RRNA, through its affiliate CG Northwestern Solar I, filed for a Type III solar development project within the same CG Type II Testing Application boundaries, which was serialized as NVNV106309075.

RRNA takes pride in developing responsibly sited projects and has invested significant resources over the last 4 years to evaluate the land, wildlife, solar resource, and interconnection capacity at this location. RRNA has been closely tracking the progress of the Draft RMPA/EIS and appreciates the opportunity to provide these comments in an effort to aid with the BLM in developing scientifically-supported guidelines for designating GRSG habitat and Solar Exclusion areas on federal lands and accomplish the BLM's multi-use mission. RRNA respectfully provides the following comments and recommendations for consideration in the Proposed RMPA/Final EIS:

- ***The Proposed RMPA/Final EIS should provide an avenue to refine GRSG habitat designations in specific locations where site-specific data has been collected to avoid misclassification of habitat.*** The BLM's reliance on landscape-level modeling for GRSG Priority, General, and Other habitat determinations have advantages for large-scale analysis and efficiency but is inherently flawed as a blanket approach as it lacks, or has limited/dated site-specific habitat data. RRNA asks the BLM to consider site-specific data when and where available in determining habitat suitability and offer an avenue for location-specific research to supplement the landscape-level modeling for GRSG habitat designations. This would allow the BLM to develop a scientifically reasoned decision based on field verified site conditions which represents the best available data. Landscape-level habitat management area boundaries are fluid over time and provide a view into how habitat management areas change over the years. For example, from 2015 to 2024, the habitat management areas at the Robinson Solar project site have significantly changed due to updates to the GRSG modeling (see **Attachment B: Figures 1-4**). These changes over time showcase a dynamic situation that cannot be solely managed through a landscape-level management approach. Ground survey verification and delineation of habitat is necessary to designate actual habitat for a given project area, and the Proposed RMPA/Final EIS should provide an avenue for field studies to inform habitat designations. By including a process similar to the solar development variance process, the agency will allow developers to conduct site-specific field studies to determine if the existing habitat aligns with the GRSG designation in the Draft

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RMPA/EIS. If a site-specific field data is provided to the BLM and other relevant agencies demonstrating an area that is not designated as open for development per the Draft RMP/EIS, the BLM should allow the ability, through a transparent process, to authorize use of the area based on actual habitat and site conditions.

- ***BLM should use field data collected for site-specific areas to reclassify areas from Solar Exclusion/Avoidance to Open.*** In one specific example, landscape-level modeling indicates that for the Robinson Solar project, the site would require over 3,900 credits to offset the impacts from solar development based on proposed habitat designations. However, RRNA conducted field surveys to delineate GRSG habitat for the project area according to guidance provided by the Sagebrush Ecosystem Technical Team, which manages the Conservation Credit System for the benefit of GRSG. This field survey found mitigation would require approximately 1,100 credits, since most of the project area has no habitat or poor habitat despite being designated as GRSG Priority and General habitats (see **Attachment A** Technical Memorandum with results of the site-specific habitat survey). These field studies demonstrate a project-by-project approach to assess actual habitat designations is important to achieving the goals of the Draft RMPA/EIS of "appropriate greater sage-grouse management to meet the purpose and need, meets the BLM's multiple use and sustained yield mandates". Under the Draft RMPA/EIS preferred alternative, the Robinson Solar project would not be able to move forward based solely on a habitat classification which does not reflect actual habitat conditions and unduly precludes one of the missions of the BLM to support renewable energy. Under the Draft RMPA/EIS habitat management areas, the Robinson Solar project is sited mostly in non-habitat but includes some Priority and General Habitat (see **Attachment B: Figure 4**). Despite the majority of the project encompassing non-habitat with low functioning values for GRSG, the Draft RMPA/EIS has identified a majority of this region to be a Solar Exclusion area (see **Attachment B: Figure 5**). It appears the modeling used to identify GRSG habitat and Solar Exclusion Areas is flawed and does not account for current site conditions.

- ***BLM should not exclude solar energy development in current and proposed utility corridors based on the presence of designated GRSG habitat.*** Under the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, the BLM has been directed to manage public lands and consider designating locations of utility corridors for the placement of rights-of-way for energy infrastructure. The principles of utility corridors as stated in the BLM 2020 West-Wide Energy Corridor Guidebook include: corridors are thoughtfully sited to provide maximum utility and minimum impact on the environment,

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corridors promote efficient use of the landscape for necessary development, and corridors provide connectivity to renewable energy generation to the maximum extent possible. According to the Draft RMPA/EIS, the BLM would automatically exclude development from current and proposed utility corridors within GRSG habitat designations, which appears to invalidate BLMs own principles for the basis of utility corridors. Specifically, the proximity of Robinson Solar to both a legacy locally designated utility corridor and Section 368 corridor aligns well with the goals and policies of Executive Order (EO) 14008 – Tackling the Climate Crisis at Home and Abroad, Part II, Section 207 (*Federal Register* 86[7619]:7624). When considered in conjunction with on-the-ground site conditions, such as those observed in the Robinson Solar project area, projects co-located within and near utility corridors are well suited to meet the objectives of EO 14008 (*Federal Register* 86:7619). Furthermore, solar development restrictions contained within the BLM Solar PEIS, when combined with those in the Draft RMPA/EIS, may be counter to EO 14008 when site-specific data, particularly in Nevada, can scientifically justify GRSG modeled habitat may be questionable. Therefore, the current approach outlined in the Draft RMPA/EIS prevents the co-location of solar energy development with utility corridors due to GRSG habitat designations as a blanket policy which fails to provide an avenue for proponents to provide current data to initiate a review process (transparent) for reconsideration.

RRNA is concerned that the changes in the Draft RMPA/EIS conflict with the BLM's stated purpose to "ensure habitat management areas and associated management incorporate recent relevant science to prioritize management where it will provide conservation benefit (including providing durability when considering the effects of climate change)".[2] The Draft RMPA/EIS contains several elements common across all alternatives that would further deter prioritizing management over *real* conservation benefit. Rather, it precludes the ability to use site-specific data and relies on a less rigorous mapping approach to establish GRSG habitat designations that do not reflect actual habitat conditions and even prevents projects from being sited within utility corridors where current field data suggests habitat is nonexistent, poor, or unlikely to support GRSG.

The impact of the Draft RMPA/EIS, as written, is counter to the intent of EO 14008[3], which ordered the Secretary of the Interior to "review siting and permitting processes on public lands"

[2] Bureau of Land Management. 2024. *Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement*. Volume 1, p. ES-2. Salt Lake City: Bureau of Land Management, Utah State Office. Available at: https://eplanning.blm.gov/public_projects/2016719/200502020/20105921/251005921/GRSG_DEIS_Vol1_508.pdf.
[3] E.O. 14008, *Tackling the Climate Crisis at Home and Abroad*, 86 Fed. Reg. 7619 (Feb. 1, 2021).

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with a goal of increasing “renewable energy production on those lands . . . while ensuring robust protection for our lands, waters, and biodiversity and creating good jobs.” RRNA agrees that expanding renewable energy production on public lands in addition to private lands is a necessary component of the national effort to increase our reliance on electricity generated from renewable sources. Solar energy production is an essential element in increasing resilience to the impacts of climate change, and the Robinson Solar project offers a tangible opportunity to help meet the administration’s renewable energy goals on public lands.

Incorporating the changes recommended herein into the Proposed RMPA/Final EIS will better align BLM’s mission to allow renewable energy development with appropriate GRSG habitat management. Given the site-specific analysis provided in attachment A, RRNA further requests the Proposed RMPA/Final EIS include a reclassification of the Robinson Solar project area from “Solar Exclusion/Avoidance” to “Open”, thus allowing a well-sited project that has been under development for nearly 4 years to advance in the BLM National Environmental Policy Act (NEPA) process. These recommended changes will give RRNA the opportunity to further study and document project impacts through a project-specific process. To ensure our nation meets its renewable energy goals, it is imperative that the BLM consider these modifications.

Sincerely,

Mark Lawlor

Mark Lawlor
Vice President, Development
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J.R. Simplot Company
1099 W. Front Street
Boise, ID 83702

Environmental & Regulatory Affairs

May 10, 2024

SUBMITTED VIA BLM WEBSITE: BLM_HQ_GRSG_Planning@blm.gov

Attn: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84101

To whom this may concern:

The J.R. Simplot Company (Simplot) appreciates the opportunity to provide comments regarding the BLM proposal to incorporate Areas of Critical Environmental Concern (ACEC) specific to Greater Sage-Grouse (GRSG) under alternatives 3 and 6, in the 2024 Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement (DEIS).

Simplot is a privately held agribusiness corporation based in Boise, Idaho. The corporation is engaged in a number of businesses including food processing, farming, mining of phosphate and silica, fertilizer manufacturing, beef cattle feedlots, ranching and other enterprises related to agriculture. Simplot has operations throughout the world and the United States. The majority of the operations in the United States are in the upper Midwest and in the West. Simplot's mission is to help feed the world through *Bringing Earth's Resources to Life.* Simplot has significant interests in the management of federal lands in the Western U.S. as we conduct grazing on federal lands, have mine support facilities on federal lands, are currently mining federal phosphate leases as well as holding leases for future mining, and operate ore supply pipelines that cross federal lands. Simplot is the largest provider of phosphate nutrients in the Western United States. As such, our products are key to the viability and vitality of agriculture in the West, including the San Joaquin Valley in California. The phosphate resources in these areas are a critical part of helping provide food and national security for the United States and providing nutrients necessary for feeding the world.

Designation of ACECs Specifically for Greater Sage-Grouse in the DEIS

Simplot is unequivocally opposed to the designation of 69,199,000 acres of PHMA (including 11,139,472 acres of ACEC) to be managed as ACEC under Alternative 3 and the designation of approximately 11,139,472 acres of ACEC's specific to the management of GRSG under Alternative 6. Under Alternatives 3 and 6, 69,190,000 acres and 11,139,472 acres of ACEC, respectively, would be closed to new non-energy mineral leasing and the expansion of existing leases.

ACEC's were first identified and analyzed in the 2015 Utah and Idaho *Greater Sage-Grouse Proposed LUPA/FEIS's* under Alternatives C and F. Although aspects of these alternatives were incorporated into the selected action, language contained in the 2015 Record of Decision (ROD) for the Great Basin Region, including the GRSG sub-regions of Idaho and Southwestern Montana, Nevada and Northeastern California, Oregon, AND Utah clarifies that these alternatives were not selected in their entirety because they limited the use of public land in Priority Habitat Management Areas (PHMAs) and General

Habitat Management Areas (GHMAs) to such an extent that it did not adequately accommodate local needs, customs, and culture. Also, it included proposed actions that are not necessary for GRSG conservation, such as eliminating livestock grazing. The 2015 ROD further explained that regarding Alternative C, it was not selected in its entirety because it did not best achieve the mix of multiple uses necessary to fully implement the mandate of Federal Land Policy and Management Act (FLPMA) as described below.

In enacting FLPMA in 1976, Congress directed the Secretary of the Interior to consider a broad range of resource issues, land characteristics, and public needs and values in determining how public lands should be managed. FLPMA directs BLM and USFS to manage public land for multiple uses and to consider a wide range of resource values – including the need to protect wildlife – in the context of the Nation's needs for minerals, energy, food, fiber, and other natural resources. Section 102(a)(7) establishes multiple use and sustained yield land management directives and requires the Secretary to develop "…*goals and objectives [that are] established by law as guidelines for public land use planning, and that management be on the basis of multiple use and sustained yield unless otherwise specified by law*" (U.S.C. 1701(a)(7)). In defining the term "multiple use", FLPMA § 103(c) directs the Secretary to ensure:

> *"…the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources…to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values. (43 U.S.C. § 1702(c), emphasis added). Therefore, under the multiple use and sustained yield requirements, BLM must strike an appropriate balance between potentially completing interests and land management objectives. This balance is to be achieved in the Section 102 land use planning process and the resulting RMPs.* ***FLPMA does not authorize the subordination of any of these uses in preference for a single land use such as sage-grouse habitat conservation or as stated in the June 2015 Utah Greater Sage-Grouse Proposed LUPA/Final EIS to create "sagebrush reserves" in the form of ACEC's.*** *(emphasis added)*

The designation of ACEC's specific for the management of GRSG were not further considered in either the 2018 approved resource management plans or the 2020 supplemental environmental impact statements for Utah and Idaho.

The reason for this decision is captured in Appendix, 2-13 and 1-13 of the February 2020, Utah and Idaho Greater Sage-Grouse Draft Supplemental Environmental Impact (DSEIS):

> *"BLM properly considered and analyzed the designation of ACECs in 2015. No new information suggests it is necessary to reconsider those decisions..."*

Additionally, Appendix 5 of the 2024 DEIS, recognized the redundant nature of designating ACEC's, in addition to PHMA, in the applicable 2015 Records of Decisions, where it states the following:

> *"However, the BLM decided not to designate PHMA as ACECs in the applicable Records of Decision because it was determined that the management actions for PHMA would be sufficient to protect GRSG habitat and, as such, ACEC designation of PHMA was not required..."*

Sagebrush Focal Areas (SFA's), like ACEC's, in both the 2020 Utah and Idaho Final Supplemental Environmental Impact Statements (FSEIS's), were recognized by the BLM as a subset of PHMA, which is a redundant layer of resource protection and land use prioritization:

> "*In 2019, the BLM determined that SFA designations provided a redundant layer of resource protection and land use prioritization within PHMA and is acting within its discretion to remove SFA designation."*

The 2024 DEIS does little to explain what has changed to warrant the need to reconsider designation of ACEC's in the current process, which as described above, were both unnecessary, and redundant. This is especially relevant to Alternative 3, where all habitat management areas are proposed as PHMA and managed as ACEC, as stated on page 4-25:

> *"Under Alternative 3, all PHMA would be managed as ACECs. The management in ACECs under this alternative, and thus the associated impacts, would be the same as for PHMA."*

The 2024 DEIS at page 4-250, regarding cumulative impacts to social and economic condition explains because of the programmatic nature of the RMPA/EIS and cumulative impacts assessment, the analysis tends to be broad and generalized and it is primarily qualitative. There is little, if any, quantitative discussion of the economic impacts of closing all Known Phosphate Leasing Areas (KPLAs) in PHMA and ACEC's to new leasing or the impacts of not allowing the expansion of existing leases in ACECs.

This is supported by language included in Appendix 18, which notes that a quantitative economic impact analysis was only conducted for three resources:

> *"A quantitative economic impact analysis was conducted for three resource uses: oil and gas development and production, geothermal development and production, and livestock grazing. Due to limitations on availability of data on production and quantity of market activities, analyses for nonenergy leasable minerals, locatable minerals, mineral materials, wind and solar energy, and greater sage grouse conservation were conducted qualitatively (see* ***Section 18.2.2****, Qualitative Economic and Social Impact Analysis, for discussion on the qualitative methodology used in the social and economic impacts analysis)."*

Regarding KPLAs in Idaho, the 2024 DEIS mentions in the cumulative effect section on page 4-244 the following:

> *"Under Alternative 1 most of the PHMA and IHMA in the planning area is closed to new leasing of nonenergy leasable minerals but states can consider expansion of existing leases. Idaho keeps known phosphate leasing areas open to leasing, and Wyoming keeps the Known Sodium Leasing Area open to exploration and consideration for leasing and development but closes it to prospecting permits."*

However, the analysis fails to clarify that KPLAs in Idaho are only open to new non-energy mineral leasing in GHMA and Important Habitat Management areas (IHMAs) for non-energy minerals, as described in Table 2-4 on page 2-15. This needs to be clarified for each applicable alternative in Table 2-4. Likewise, the allowance for consideration of the expansion of existing leases in PHMA for non-energy mineral development, needs to be noted for all alternatives in Table 2-4, except for Alternative 3 and ACEC within Alternative 6, to be consistent with the text.

The 2024 DEIS explains on page 4-250, that a quantitative analysis is presented specifically **for GRSG** (emphasis added) in Appendix 14, but there are clearly no quantitative analyses of closing ACEC acreage to multiple uses.

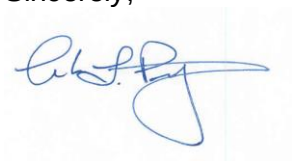
A broad and generalized, qualitative analysis of social and economic considerations, in a range wide EIS, with the exception of three resources, is not a sufficient basis to apply the onerous restrictions associated with designation of ACECs for the sole purpose of management of GRSG at the expense of other multiple uses of public land, including mineral development. Any ACEC designations should be done at the local resource management plan level, through a quantitative land use plan analysis, that applies management prescriptions, as identified in the 1988 BLM ACEC Manual, based on:

> … "conducting a thorough and well-documented estimation of effects analysis"

For the reasons described above, Simplot supports the selection of Alternative 2 (No Action Alternative), in the 2024 DEIS, which does not identify ACEC's or SFA's as a subset of PHMA for Utah or Idaho.

Wendy Fuell (208 235-5626) or Lori Lusty (208 235-5670) would be pleased to provide further information on these comments or answer any questions. Your consideration of these comments is appreciated.

Sincerely,



Alan L. Prouty
Vice President, Environmental & Regulatory Affairs

C:

Ben Davenport, Idaho Mining Association
Katie Mills, National Mining Association
Wendy Fuell, J.R. Simplot Company
Darcy Helmick, J.R. Simplot Company
Lori Lusty, J.R. Simplot Company

Project Name	Comment Period Name	Last Name	First Name	Organization Name	Letter #	Comment Number	Comment Code Number	Comment Code Name	Comment Text	Response Text
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 202	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	1	193.0000.00	FLPMA	Secondly, this EIS, pg. 3-29 states: "The Wild Free-Roaming Horses and Burros Act of 1971, as amended by FLPMA..." This is incorrect, and in fact, FLPMA does not apply to wild horse or burro areas. BLM illegally applies FLPMA/multiple use/lands use plans to these wild horse areas. The WHBA is a land use regulation enacted to protect a specific species^1. As such it should be considered when making sure the RMP and other documents are in compliance with it, just like they do The Bald and1) Mountain States V Hodel - 799 F.2d 1423 (10th Cir. 1986); "In structure and purpose, the Wild Free-Roaming Horses and Burros Act is nothing more than a land-use regulation enacted by Congress to ensure the survival of a particular species of wildlife."Golden Eagle Protection Act (16 U.S.C. 668-668d) or Greater Sage Grouse plans. Instead, WHB management is built into the RMP as if they are simply one of the multiple uses and not a special status species with a specific law that is a land use plan. FLPMA does not apply to wild horse and burro areas protected under the WHBA. See sections of FLPMA below that make this clear. Also see the statement made in FOIA documents from Senator Harry Reid regarding FLPMA and wild horse/burro areas in Attachment 1.	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 202	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	2	190.0410.00	Livestock Grazing	This leads us to the issue of AML itself. The issue of BLM establishment of AMLs has always been contentious and has been called into question by the NAS^2 who made it clear that the wild horse AMLs were set for administrative convenience and not based in science. This EIS itself does not take a hard look at the differences between livestock grazing, wild horse grazing and other large ungulate grazing (other wildlife). In fact this EIS makes the claim that livestock removal might increase the risk of wildfires because not enough vegetation (fire fuels) would be consumed, while at the same time making claims that wild horses should be removed because they consume that very vegetation that cows would consume to mitigate wildfire potential. The combining of livestock grazing with wild horses (and burros) throughout parts of this EIS is misleading. This EIS on pg. 2-103 states: 2) National Research Council. 2013. Using Science to Improve the BLM Wild Horse and Burro Program: A Way Forward. Washington, DC: The National Academies Press. https://doi.org/10.17226/13511. "The USFWS found improper grazing by domestic livestock and free-roaming horses and burros can have negative impacts to sagebrush and GRSG at local scales (USFWS 2015) but previously did not find it was a principal factor affecting the status of the species (USFWS 2010)." Not only does this create doubt as to the impacts of both livestock and wild equines on GRSG, but the impacts from livestock are different from that of wild quines and they should not be combined. For instance horses have upper incisors, and cattle do not. The way they impact vegetation is not the same. Horses cut or mow vegetation while cattle and many other ungulates tear the plants or pull them out by the root. Livestock destroy root systems much more frequently than do equines. Additionally, making blanket statements like this does not consider the sheer numbers of cattle in GRSG habitats compared to wild horses. That would also make a difference in the total impact on GRSG from each species.	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 202	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	3	190.0500.00	Best available information-baseline data	Statement from the EIS used several times: "Wild horse and burro grazing has similar types of effects as livestock grazing in their effect on soils, vegetation health, species composition, water, and nutrient availability by consuming vegetation, redistributing nutrients and seeds, trampling soils and vegetation, and disrupting microbial systems (Connelly et al. 2004)." Statements from Connelly et al. 2004: "Horses also represent a grazing disturbance in sagebrush ecosystems comparable neither to cattle nor native ungulates (Beever 2003) because of their non-uniform use of the landscape, as well as their management status (horses are neither hunted nor fenced)." "Sagebrush is very important forage for mule deer in many parts of the assessment area (Wambolt 1996) and as such it may suffer damage from browsing. Although research on the topic is limited, there is some evidence that mule deer population changes in portions of the assessment area may be related to declining sagebrush densities. In Utah, Smith (1949) and Austin et al. (1986) showed declines in sagebrush density in areas protected from livestock grazing but open to mule deer browsing." Connelly et al. goes on to discuss the preferences and damage done by deer and elk: "Declines of big sagebrush densities due to heavy deer or elk browsing (Smith 1949, Austin et al. 1986, McArthur et al. 1988, Patten 1993, Wambolt 1996) suggest that, if warranted, ungulate browsing may be used as a biocontrol for reducing the densities of sagebrush. Bork et al. (1998), Laycock (1967) and Mueggler (1950) have shown long-term declines of three-tip sagebrush from livestock browsing with recovery of herbaceous vegetation on high elevation sites in Idaho, suggesting that livestock may also serve a similar function." Connely et al also points out that perches are not just created by fencing but also powerlines: "Powerlines create perches and nesting platforms for raptors and corvids (Knight and Kawashima 1993, Steenhof et al. 1993)" Finally we point out that the Connelly et al paper is not a study. As it states it is a "comprehensive review of the vast array of data presently available". It offers no data that provides quantitative or qualitative proof of claims made in it or in this EIS. Additionally, it was not an independent report, and was funded in part by BLM who has always exhibited a lack of data and scientific basis in making wild horse decisions, including the development of AML's^3. 3) IBID	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 202	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	4	190.0500.00	Best available information-baseline data	This EIS at pg. 3-4 under "Threats" states: "Habitat loss is attributed to large-scale conversions to cultivated croplands or pastures, increasing wildfire frequencies facilitating annual nonnative grass and noxious weed dominance at lower elevations, conifer encroachment, improper livestock grazing, herbicide use and chaining to reduce sagebrush, crested wheatgrass seedings, mineral and energy development, wild horse grazing, and recreational activities related to urban growth and increased human populations (Manier et al. 2013; USFWS 2013)." Manier et al. 2013 does not make this statement that is attributed to them anywhere in the paper. The USFWS 2013 report did not make the above statement either. It did however suggest that data needed to be collected under the "Conservation Option" section of the report: "Support additional research to quantitatively determine impacts of wild horses and burros on sage-grouse habitat parameters." This USFWS 2013 paper is also an amalgamation of other papers but it supports our allegations that there is NO science that determines that wild horses are a causal factor in the decline of sage grouse populations. In Fact it makes the following statement: "Whether or not this condition is the result of historic or current livestock grazing practices and/or wild horse utilization is debatable, but the fact that it continues to exist requires more appropriate management actions to improve the condition of the habitat."	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 202	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	5	190.0410.00	Livestock Grazing	The EIS at pg. 4-9 states: "Fences used to manage horse distribution represent a potential source of direct mortality to GRSG (Manier et al. 2013). Year-round water availability in horse herd management areas and wild horse territories is required by the Wild and Free-Roaming Horses and Burros Act of 1971. This can result in year-long use of riparian areas by wild horses and other modifications (e.g., fences, troughs). Negative effects are possible depending on how each facility is constructed. Range improvements would increase potential perch sites for avian predators (fences) and potential drowning hazards (troughs)." Range improvements in the form of water troughs or fences are not a common thing in wild horse management. This EIS claims that sources of artificial water being removed would reduce the risk of West Nile. This EIS seems to claim that water improvements for wild horses occurs on a regular basis. It does not. Artificial water sources are part of regular livestock, ranching activities on public lands, as are fences. However, it is rare that BLM provides water for wild equines. BLM's Gus Warr told OWHO President, Theresa J Barbour, that the only time they provide water for wild horses is when they are going to get the animals strong enough to gather them. (see Attachment 2) If tanks put out for livestock are removed that would reduce the potential for West Nile Virus but alternatively removing tanks for wild horse use would have a negligible impact. Additionally, Conelly 2004 confirmed that the wild horses are a dead end host as far as the spread of the virus: "Humans and horses are considered "dead end" hosts because they do not typically accumulate the virus at a high enough concentration to infect mosquitoes that bite them." Furthermore, the quote from the EIS above is false. Nowhere in Manier et al. are fences discussed in relation to wild horse management. The report discusses fences constructed for livestock management throughout, but nowhere does the report state fences are used for wild horses. These statements must be removed from the EIS.	

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DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	6	190.0411.00	Wild Horse and Burro Management	Other important statements made in Manier et al. include: "Repurposing of the most productive sagebrush ecosystems (regions with deep, loamy soils, for example) for agriculture and urban development means that sage-grouse have already been marginalized on lands they share with domestic livestock, industry, herds of introduced horses and burros, and other sagebrush inhabitants. But in spite of the accumulation of odds against them, many small and large sage-grouse populations persist across the range, albeit population counts have steadily declined in past decades." This claim that wild horses are introduced has never been proven and is contentious within the scientific community. The fact is that the history of sage grouse and wild equines coexisting is not documented throughout time. The presence of GRSG was first documented in North America on June 6, 1805 (Meriwether Lewis). The presence of wild horses in their habitats had been occurring for over 300 years if you believe the reintroduction theory for wild horses. This big difference that occurred on these sage grouse habitats after that was the introduction of herds of invasive cattle and sheep. Eventually, adding extractive industry practices overtime added further disturbance to their habitats. The horse populations went into decline from 1900 on and with the decline of millions of wild horses, there began a decline in sage grouse as well. It is nonsensical to believe that the few wild horses left are the issue. There is less history of sage grouse as a wild species than there is of our wild horses. BLM assumes the extinction theory of wild horses to be fact, when mDNA studies being done are disproving that theory. The length of time that horses are alleged to have been extinct has been getting shorter with each study, and if BLM takes into consideration current science then these results must be addressed instead of the usual claims that they are not native wildlife. However, even when not addressing that specific issue the horses have been here, in the wild, and on the public land areas, since before sage grouse were found. Diminishing their presence as if they are an introduced species gives an appearance that they do not belong. Mary Beth King^4 wrote on March 30, 2023: 4) Research looks at origins of presence of horses in North America; Mary Beth King; University of NM; March 30, 2023; in reference to findings from Paa-ko Pueblo, NM: Paa-ko Pueblo, a large Classic Ancestral pueblo and a historic-period pueblo located at the eastern base of the Sandia Mountains, approximately 1 mile north of the town of San Antonio (Bernalillo County); https://news.unm.edu/news/research-looks-at-origins-of-presence-of-horses-in-north-america "This work was supported by the National Science Foundation Collaborative Research Award (#1949305, #1949304, #1949305, and #1949283), Marie Sklodowska Curie Actions (programmes HOPE and Methy(RIDE), the CNRS and Université Paul Sabatier (International Research Program AnimalFarm), the French Government "Investissement d'Avenir" France Génomique (ANR-10-INBS-09), and the European Research Council (PEGASUS). All protocols for the transmission of sacred and traditional knowledge were followed, and research activities and results were endorsed by an Internal Review Board involving 10 Lakota Elder Knowledge Keepers, who now serve as the Board of Directors of Taku Ška? Ška? Wasakliyapi: Global Institute for Traditional Sciences (GIFTS)." "Direct radiocarbon dating of discoveries ranging from southern Idaho to southwestern Wyoming and northern Kansas showed that horses were present across much of the Great Plains and Rocky Mountains by the early 17th century, and conclusively before the Pueblo Revolt of 1680."	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	7	190.0411.00	Wild Horse and Burro Management	Congress gave them wild status in the very name of the act designed to protect them, and the courts upheld that wild designation: Mountain States V Hodel - 799 F.2d 1423 (10th Cir. 1986) "At the outset, it is important to note that wild horses and burros are no less "wild" animals than are the grizzly bears that roam our national parks and forests. Indeed, in the definitional section of the Act, Congress has explicitly declared "all unbranded and unclaimed horses and burros on public lands" to be " wild horses and burros." 16 U.S.C. § 1332(b) (1982) (emphasis added)" "In structure and purpose, the Wild Free-Roaming Horses and Burros Act is nothing more than a land-use regulation enacted by Congress to ensure the survival of a particular species of wildlife." This EIS lumps wild equines in with livestock when convenient in an attempt to suppport the desired narrative, but never does the BLM consider them wildlife. We, along with members of the scientific community and many indigenous people regard them as a native wildlife species. This is not mere speculation or belief according to the current studies mentioned above and in Attachment 3). Livestock on the other hand, are an invasive, non-native species and that is not ever something that is contested by the scientific community. The use of livestock on public lands for the purpose of individual or corporate money making, while protected as one of the multiple uses, should not take precedence over federally protected wild animals such as wild horses, or special status species such as GRSG.	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	8	190.0500.00	Best available information-baseline data	Manier et al. also recognized that other uses on sage grouse habitats present greater pressures on GRSG population than that of large herbivores: "Across the sage-grouse range, the impacts of extensive infrastructure are widespread, including roads, power transmission lines, pipelines, communication towers, and fencing, and localized human activities such as water retention and vegetation treatments have been recognized, but precise influences and remediation solutions are often not well understood. These activities interact with widespread, but generally less intense, pressures including large herbivores (domestic, introduced, and native ungulate populations) in determining range conditions." Manier did not study the spread of cheatgrass or medusa head, rather, he cited a 1996 paper by Knapp: "As this optimal colonist species established, chronic grazing by cattle, sheep, and horses combined with drought and fire to increase the distribution and frequency of disturbance and further optimize this region for dominance by an annual grass (Knapp, 1996)." Knapp, while acknowledging that wild horses along with other animals on the range can spread cheat grass also made the following statements: "It is likely that the domination of cheatgrass would not be as great today without the introduction of livestock. Livestock facilitate the spread of cheatgrass by two means. First, excessive grazing reduces the native herbaceous vegetation by cropping the plant so closely that it is unable to capture enough sunlight for sufficient photosynthesis and/or to reach maturity, when it produces seeds for future germination. Secondly, cheatgrass is easily dispersed by animals because the spikelet contains seeds that either easily adhere to animal hides, or may become embedded in animal hooves. With hundreds of thousands of livestock grazing the open range every year, cheatgrass was exposed to virtually every available grazing site in the Great Basin." Knapp also noted that: "Fire is the most important factor in assuring and aiding the survival of cheatgrass....Numerous studies have shown that cheatgrass dominates plant communities after fire to the point where many native perennial plants are unable to re-establish." (internal footnote omitted) Knapp^5 only mentions wild horses in discussing the spread of cheatgrass seeds, but ALL animals can spread these seeds, including humans and human activities. So, if BLM seeks to stop the spread of seeds all animals, humans and human activities would have to be restricted. It is unreasonable to use this as a basis to remove horses when they are the least populous species on the land and would have the least impact. 5) Knapp, P.A. (1996) Cheatgrass (Bromus tectorum L.) dominance in the Great Basin Desert: History, persistence, and influences to human activities. Global Environmental Change 6:37-52	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	9	190.0411.00	Wild Horse and Burro Management	Furthermore, Manier et al. 2013 makes the following statement, quoting the Connelly 2004 paper BLM also cites in this EIS: "Livestock grazing can affect soils, vegetation, water, and nutrient availability by consuming or altering vegetation, redistributing nutrients and plant seeds, trampling soils and vegetation, and disrupting microbiotic crusts (Connelly and others, 2004)." The difference being that this EIS includes wild horses in the claim made by Connelly, where the Manier paper and Conelly himself does not. "Wild horse and burro grazing has similar types of effects as livestock grazing in their effect on soils, vegetation health, species composition, water, and nutrient availability by consuming vegetation, redistributing nutrients and seeds, trampling soils and vegetation, and disrupting microbial systems (Connelly et al. 2004)" The addition of wild horses and burros to what Connelly actually said is fraud. Connelly actually states: "Livestock grazing can affect soils, vegetation, and animal communities (Jones 2000). Livestock consume or alter vegetation, redistribute nutrients and plant seeds, trample soils and sagebrush plants, and can disrupt microbiotic crusts (Miller et al. 1994, West 1996, Belnap and Lange 2001)." In summary of these 3 quotes, this EIS is the only statement that includes wild horses, neither study referenced includes wild horses and burros. This claim needs to be removed from this EIS throughout (it is made at least 4 times), which we address in further detail below.	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	10	190.0411.00	Wild Horse and Burro Management	The EIS pgs. 4-62 to 4-65: "Impacts under all alternatives would be limited to any future changes that may result in AML and/or acreage adjustment as well as reconsideration of herd management area designations that are based on achievement of GRSG habitat objectives for improving GRSG habitat conditions." While there is a case to be made that wild horse management should be done in such a way to best protect GRSG and their shared habitats, this would first need to be a situation where the rangeland health assessments are being done. Secondly, when assessments of the range are done, they need to include utilization by species. Most of the areas also overlap with livestock allotments. If BLM continues to ignore the necessity for completing rangeland health assessments, there is no possible way to determine that horses, rather than livestock, are doing the damage to overlapping habitats for GRSG. Adjusting AML's based upon mere observation of land health degradation is not a sound scientific management plan, thus would not be supported. Legally, the plan to evaluate AML's based on GRSG habitat conditions would diminish the plain language of the WHBA that gives wild horses "principal" use of those lands. Again, we are not saying that we do not support the need for GRSG habitat protections but we do not see that the BLM, in this EIS, is attempting to put wild horses on equal footing or write this plan in such a way that the WHBA is the prevailing law when considering actions for the herds on sage grouse areas. This EIS leans heavily in favor of livestock remaining on the land, while at the same time removing or reducing wild horse populations.	

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DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	11	190.0410.00	Livestock Grazing	Still from the EIS pgs. 4-62 to 4-65: "Initially, the AML for herd management areas are established in RMPs at the outset of planning and adjusted based on monitoring data throughout the life of the RMP." This statement is incorrect. Many of the HMAs have AMLs that were set in Allotment plans, Final Multiple Use Decisions etc., not in RMPs. We addressed the NAS Report recommendations herein which suggest the BLM reevaluate AMLs and base them on science rather than administrative convenience. Basically, BLM sat down with public lands permittees and hashed out AUM allocations for livestock, and what was leftover was given to wild horses/burros and other grazing wildlife. Very few HMAs changed any forage allocations for livestock.	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	12	190.0500.00	Best available information-baseline data	Additionally, from the EIS pgs. 4-62 to 4-65: "Gathers can be conducted in emergency situations when the health of the population is at risk due to lack of forage or water. In some situations, wildfire may be considered as reasoning for an emergency gather." According to the BLM Handbook 4700-1 lack of forage and or water are escalating problems not emergencies. We have frequently appealed decisions to gather horses for lack of forage/water claiming it is an emergency which allows BLM to avoid doing an EA and going through the NEPA process. "4.7.1 Escalating Problems Escalating problems are defined as conditions that deteriorate over time. The key indicator is a decline in the amount of forage or water available for WH&B use, which result in negative impacts to animal condition and rangeland health. Causal factors are normally drought or animal numbers in excess of AML. These situations can be detected in advance and are managed through the normal planning process. See BLM Manual 4.7.2 Emergencies Emergencies generally are unexpected events that threaten the health and welfare of a WH&B population and/or their habitat. Examples of emergencies include fire, insect infestation, disease, or other events of a catastrophic and unanticipated nature. Immediate action is normally required. "	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	13	190.0411.00	Wild Horse and Burro Management	And another statement from the EIS pgs. 4-62 to 4-65: " Across all alternatives, use of contraceptives and other population growth suppression to manage wild horse and burro numbers would be implemented to assist in the achievement and maintenance of AML." This amendment to the GRSG plan cannot create a mandate or policy to implement population control methods. The decision to implement such controls must be done through a herd management decision and would require, at a minimum, an EA to present the possible fertility control measures considered, evaluate the genetic health of the herd, etc. This statement must be removed from this EIS because it is outside BLMs statutory authority.	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	14	190.0410.00	Livestock Grazing	Finally, from the EIS pgs. 4-62 to 4-65: "Table 3-6 displays the total number of herd management areas, and their associated AMLs, that overlap with GRSG HMAs." This appears to be the wrong table. Table 3.6 only pertains to livestock. Was this a section that BLM copy pasted from livestock and forgot to change the table number? We believe it should be Table 3-4 however, that has severe flaws which we discuss further below. [Review document for Table 3-6. Count of Allotments with at least 15% PHMA by Land Health Standard]	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	15	190.0411.00	Wild Horse and Burro Management	The EIS at pg. 3-5 states: "Wild horse and burro grazing disturbances have negatively influenced sage-grouse lekking activities (Muñoz et al. 2021), at times restricting GRSG breeding activities to areas that have not been disrupted by free roaming horses. Sage-grouse population growth is sensitive to breeding success and can be impacted by wild horse and burro disturbances that degrade sagebrush ecosystems (Coates et al. 2021)." Munoz did not state that burros negatively impact lekking activities. In fact she said: "Although burros were present at some sites, we did not observe them occupying sage-grouse leks." This was the ONLY statement made about burros in the Munoz paper. Moreover, Munoz admits she is speculating when making assumptions based on observation: "We speculate that differences in sage-grouse lekking activity may be influenced potentially by differences in size, novelty, or behavior of Great Basin ungulates. First, sage-grouse were most likely to be absent in the presence of cattle and horses, which were the largest ungulates observed in our study." Similarly Coates did not state that burros had a negative impact on GRSG lekking activities. He Stated: "Additionally, few of the leks we monitored overlapped HOAs with burros and horses (n?=?17, 2% of total) and no leks overlapped management areas with only burro populations. Therefore we did not index burro density for this study." Coates et al. acknowledged that research in this area (horse impacts for sage grouse population) is lacking: "Although a strong body of research indicates that overabundant populations of horses degrade sagebrush ecosystems, empirical evidence linking horse abundance to sage-grouse population dynamics is missing." This paper by Coates et al. is another amalgamation of other papers. Even where they talk about observing the leks they refer to another study. It is unclear whether or not Coates et al. ever went to these leks themselves and no raw data was provided indicating that they did. Although Coates acknowledges that cattle were also present, the impact they have on sage grouse populations was not discussed or disclosed in the findings. It is impossible to assign damage to one species without assessing all species on the range.	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	16	190.0500.00	Best available information-baseline data	In fact this paper attempts to skew information in regard to livestock presence by stating: "Sage-grouse move to mesic areas at higher elevations during summer to access increased forb availability (Patterson 1952, Klebenow and Gray 1968, Connelly et al. 2004) that is directly linked to brood survival (Casazza et al. 2011, Coates et al. 2017). Lower elevation regions are more susceptible to invasion by cheatgrass (Chambers et al. 2007), are more readily grazed by cattle (Ganskopp and Vavra 1987), and often have greater raven occupancy and density (O'Neil et al. 2018, Coates et al. 2020)." This clearly indicates that the change in flora due to plants like cheatgrass has caused sage grouse to move to higher elevations. Cattle do not like to climb steep inclines or rocky mountainous areas and prefer to stay in lower, flatter areas. The same time of the year that sage grouse move to high elevations the horses typically do as well. Coates et al. also state: "...horses are not constrained to specific locations, often grazing continuously on preferred plant species and concentrating in riparian areas where ecological degradation is intensified (Kaweck et al. 2018)." "...horses move freely within the landscape uninhibited by fencing and other barriers"	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	17	190.0500.00	Best available information-baseline data	First we point out that there are very, very few wild horse HMAs where horses can roam freely or unrestricted due to livestock fencing. Furthermore, Coates et al. using sources like Kaweck invalidates any claims such as this made in the report. Kaweck is not a valid scientific study. First of all you start with a study where the BLM and the ranchers chose the plot points. In order for a study to produce valid results the plot points must be chosen randomly^6. 6| BLM Technical Reference 1734-3; Utilization Studies and Residual Measurements [Supercedes BLM Technical Reference 4400-3] Interagency 1996 And this study states that horses in the wild are really "biologically feral". One would think that one of the authors, John Severson, a USGS Wildlife biologist would know this is not a correct statement. The term feral is one that is compared to wild, these are legal designations that our government decided when they passed the WILD Free-Roaming Horses and Burros Act. As mentioned above the courts^7 have upheld that legal designation. There is nothing 'biological' about the term feral. The biological argument surrounding our wild horses is the scientific debate of native versus invasive. 7 Mountain States V Hodel; "At the outset, it is important to note that wild horses and burros are no less "wild" animals than are the grizzly bears that roam our national parks and forests. Indeed, in the definitional section of the Act, Congress has explicitly declared "all unbranded and unclaimed horses and burros on public lands" to be " wild horses and burros." 16 U.S.C. § 1332(b) (1982) (emphasis added)" The Kaweck study only had cattle on 4 out of 6 of the plots for 4 months. And Kaweck did this study during the time of the Soda Fire which would alter any 'normal' activity, i.e. use of resources and movements. The study report also states that they "believe" the fencing used on exclosures was high enough to stop animals from reaching over the fence, but they also state they used field cameras, so why wouldn't they 'know' the fences were high enough? Furthermore, Kaweck states they used the Spearman method to discern what animal had utilized an area. The Spearman method can be applied to radiologic studies, but certainly does not apply in a field study of animals. Kaweck stated they used cameras but those cameras were not in use for the entire study due to fire or theft. So how much of the study was estimated versus actual observances?	

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DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	18	190.0500.00	Best available information-baseline data	Kaweck using Spearman to estimate. "To assess whether the presence of one species of animal(horses, cattle, or wildlife) was associated with riparian use by other animal species, we used Spearman's rank correlation to determine the strength, direction, and significance of the correlation between weekly observations of each species at each of the eight study sites." Kaweck also stated: "Within those 17,891 photos, 44,408 animal occurrences were recorded. Of the 8,134 photos taken in the Challis area, 15,715 animal occurrences were documented, of which 15% were wild horses, 80% were cattle, and 5% were wildlife. In the Owyhee area, 9,757 photos recorded 28,693 animal occurrences, of which 35% were wild horses, 64% were cattle, and 1% was wildlife." Moreover, Coates lists causes for sage grouse population decline, and states that while there is an overlap between the habitats of GRSG and horse studies regarding population dynamics are non-existent. "Sage-grouse are experiencing long-term population declines in semi-arid environments (Garton et al. 2015) and are facing a myriad of threats that include wildfire and invasive grass cycles (Chambers et al. 2014, Coates et al. 2016b), expansion of pines (Pinus spp.) and junipers (Juniperus spp.; Baruch-Mordo et al. 2013, Coates et al. 2017), anthropogenic development (Green et al. 2017), and increased drought (Coates et al. 2016b). Despite distributional overlap between sage-grouse and horses range-wide (Beever and Aldridge 2011), coupled with compelling evidence that most HMAs are exceeding set AMLmax (BLM 2020a), studies that quantify relationships between horse abundance and sage-grouse population dynamics are notably missing." Another paragraph from Coates states: "Managed livestock, particularly cattle, are supplemented with salt, mineral, and water placement and graze during planned periods and locations, which allows direct management of land deferment and rest (Davies and Boyd 2019). Absent management action, where options are much more limited owing to the Wild Free-Roaming Horses and Burros Act (as amended), horses are not constrained to specific locations, often grazing continuously on preferred plant species and concentrating in riparian areas where ecological degradation is intensified (Kaweck et al. 2018). Collectively, the magnitude of these adverse effects is likely exacerbated as horse populations become increasingly overabundant relative to AMLmax (i.e., exceed AMLmax) and as horses move freely within the landscape uninhibited by fencing and other barriers. Additionally, previous research indicates that behavioral tendencies and interactions between horses and native ungulates can lead to displacement, even from the presence of a single horse (Berger 1985), and exclusion from water sources (Gooch et al. 2017). From these claims we already addressed the reference to Kaweck. The statement by Davies and Boyd is only true in areas where cattle grazing is either controlled by fencing, or the cattle are monitored, because we frequently find them outside of their grazing allotments. Additionally the next statement ("horses are not constrained...") is false. Wild horse HMAs are crisscrossed with internal fencing and outside fencing. It is rare that wild horses get to roam freely (ironic considering the name of the act that protects them).	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	19	190.0500.00	Best available information-baseline data	The next claims of displacement and exclusion from water sources are attributed to Berger and Gooch. The Berger reference is a book, so without purchasing the book we are not able to read and verify his findings. Gooch indicated horses have been dominant with ungulates, however she cited Berger 1985. Gooch observed 3 times (0.02% of all observed interactions), what might have been a negative interaction between wild horses and pronghorn. She did however make these statements: "In his observations of watering holes on the Sheldon National Wildlife Refuge (SNWR), Meeker (1979) found no evidence of negative interactions between horses and pronghorn. He noted some positive interactions, in which pronghorn waited outside the water holes until horses entered first (Meeker, 1979)" (emphasis added) "More research is needed to determine if horses are competing with pronghorn for water." (emphasis added) This further invalidates the Coates et al. report. Furthermore, the Coates et al. report used computer modeling and estimation, not on-ground, actual data.	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	20	190.0410.00	Livestock Grazing	Coates also states: "Research that investigates the influences of reducing cattle AUMs (e.g., lessening cattle grazing pressure) on estimated changes in the effects of %AMLmax would be helpful. Cattle-induced effects on the landscape likely differ from horse-induced effects because of fundamental differences in physiology and behavior between the species (Beever 2003)..." This statement supports both our claim that research surrounding GRSG is lacking, livestock impacts have not been fully analyzed and that horses and livestock cannot be lumped together.	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	21	190.0500.00	Best available information-baseline data	Finally Coates et al states: "Exceeding current AMLmax, or adjusting AMLmax to higher values within the model, resulted in clear evidence of negative effects to sage-grouse population ?. In contrast, model predictions indicated that when horse populations did not exceed current AMLmax values, there was no significant evidence of declines in sage-grouse population ? when compared to areas where horses were assumed absent." This along with other predictions made in the reports are all from modeling predictions. There is no raw data provided in this study to be analyzed which would support the findings. There is no real life, on the ground assessment that shows what other covariates might have affected sage grouse populations. Assuming that the number of horses present was the only causal factor based on predictive modeling does not provide actual scientific study. The entire report was done using internal scientists, funding, and was not independent. It should be removed from this EIS. Coates et al.: "Funding for this work was provided by federal partners as part of the Results Oriented Grazing for Ecological Resiliency collaborative between ranchers, organizations, the university, and state and federal agencies. Additional funding was provided by BLM and the United States Geological Survey Ecosystems Mission Area."	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	22	190.0411.00	Wild Horse and Burro Management	The EIS at pg. 3-11 further uses Coates et al.: "The Wild Free-Roaming Horses and Burros Act of 1971 was created to manage population levels of herds to facilitate and protect "a thriving natural ecological balance" (Coates et al. 2021)." This is not what Coates et al. stated. The report stated: "A fundamental goal of the Wild Free-Roaming Horses and Burros Act (1971:649) is to manage herds within a range of population sizes that facilitate and protect "a thriving natural ecological balance." The WHA was created because the states could not be trusted to manage wild horse populations in a humane manner, and because wild horse populations were "fast disappearing". Moreover, when Congress discussed the Act, according to the 92nd Senate Congressional Committee Report 92-242, their intent was for the wild horses to be managed as components of the land, not managed in "refuge or zoolike areas". BLM uses the fact that Congress did not intend for them to have "exclusive" use of the lands set aside by the Act. However, BLM has gone beyond statutory authorization to claim that they also no longer have "principal" use of any area unless they magically deem it a Range, which goes directly against Congress' intent.	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	23	190.0411.00	Wild Horse and Burro Management	That Senate Congressional Report states: "The principal goal of this legislation is to provide for the protection of the animals from man..." additionally they state: "The Committee recognizes that some control over the numbers of animals may be necessary in order to maintain an ecological balance in an area. Guidelines for reducing the population of wild free-roaming horses or burros in an area are provided in the measure but it should be noted that any reduction should be carefully weighed before being undertaken. The Committee does not intend that the provision for a reduction in numbers as contained in the measure be considered a license for indiscriminate slaughter or removal of the wild free-roaming horses or burros." (emphasis added) This proposed amendment to the sage grouse plan goes against the intent of Congress and the plain language of the WHBA (Public Law 92-195). As components of the land, and multiple use they should be managed like other special status wildlife. They should have been protected on the public lands "where they roamed in 1971", not on areas set aside by BLM and ranchers, and then over time diminished acreage to the point that BLM now screams overpopulation.	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	24	190.0411.00	Wild Horse and Burro Management	The EIS at pg. 3-11 states: "In recent years, the population of wild horses on public land has greatly increased." This statement is also not correct. Wild horse (and burro) populations on Bureau of Land Management (BLM) lands in the United States have declined^8 two years in a row: - March 2021: 86,189 wild horses and burros -March 2022: 82,384 wild horses and burros - March 2024: 73,520 wild horses and burros 8) Bureau of Land Management; Program Data: https://www.blm.gov/programs/wild-horse-and-burro/about-the-program/program-data We believe this decline is in part due to gathers, but also believe it is due to the increased use of fertility control measures. The EIS needs to be corrected and this statement needs to be removed. Moreover, we point out that the number of wild horses and burros is nearing the number of horses and burros that were on the land during the first census in 1973. We further point out that the first survey was done after massive numbers of wild horses and burros were removed after the WHBA was passed in 1971 as ranchers claimed large numbers of them as their own. So the number of horses and burros on the land when Congress unanimously found they were fast disappearing was significantly higher that the first population survey numbers (See attachment 1). Being near, or possibly below that number right now should cause alarm IF BLM was being honest. Attachment one also provides instances where the real number of wild horses and burros in 1971 is known to have been much higher than what BLM still claims on their website, reports to media, and Congress. (An apparent Title 18 violation.)	

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DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	26	190.0409.00	Predation	Furthermore the EIS states: "Recent research suggests wild horses can directly and indirectly disrupt native wildlife populations within sagebrush ecosystems (Munoz et al. 2021)." Munoz et al .2021 states: "Given the rapid population increase, growing evidence suggests that free-roaming horses can directly and indirectly disrupt native wildlife populations inhabiting sagebrush ecosystems, yet most research has focused on intra-guild competition among large herbivores. For example, free-roaming horses monopolize and actively exclude native ungulates from limited water sources through interference competition (Hall et al., 2018). In contrast, relatively few studies have evaluated interspecific interactions between free-roaming horses and avian wildlife in sagebrush ecosystems, including sage-grouse. Potential for direct interactions exists given the high degree of range overlap between sage-grouse and free-roaming horses (Beever and Aldridge, 2011)" BLM does not manage the public lands on a whole ecosystem approach. The interactions among species are the foundations of the structure and integrity of ecological communities. The carnivore guild is mainly shaped by competition and intraguild predation. Large carnivores regulate trophic levels by controlling prey populations and by moderating mesocarnivore populations and their effects, thus indirectly affecting both herbivore and plant communities. However, their ecological roles are compromised by anthropogenic-induced habitat loss and fragmentation, prey depletion, and mortality due to direct persecution (Ugyen Penjor 2022^10). Studies have shown that extirpation of apex predators from an ecosystem leads to an increase in ungulate populations, which in turn results in overgrazing and suppression of plant growth and ultimately degradation of habitat for a range of species. 10) Penjor, U., Astaras, C., Cushman, S. A., Kaszta, Z., & Macdonald, D. W. (2022). Contrasting effects of human settlement on the interaction among sympatric apex carnivores. Proceedings of the Royal Society B: Biological Sciences, 289(1973). https://doi.org/10.1098/rspb.2021.2681	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	27	190.0500.00	Best available information-baseline data	Additionally, we provide a rebuttal of the Hall paper in Attachment 4. The rebuttal provides BLM references that also oppose this statement made in the Hall paper. Even the next reference cited by Munoz (Beever/Aldridge 2001) provides a quote opposing Hall's claims of monopolization of water sources: "Horses also spend considerably less time at watering locations than do cattle (Meeker 1979, Ganskopp and Vavra 1986)"	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	28	190.0500.00	Best available information-baseline data	Furthermore, Munoz, citing a now 13 year old study (Beever and Aldridge, 2011) to claim there might be potential for interactions between sage grouse and wild horses proves that the subject is still under-researched. In opposition to what Munoz said about Beever and Aldridge 2011 the actual statement made made in Beever/Aldridge was: "The extent to which free-roaming equids in sagebrush communities directly or indirectly alter the availability of insects important to Greater Sage-Grouse broods at these mesic sites is currently unknown." All of these claims with flawed references and misquotes should be removed from this EIS, including all information that was supported by them.	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	29	190.0411.00	Wild Horse and Burro Management	This EIS frequently claims: "Wild horse presence causes fragmented and reduced shrub cover, increase soil compaction and erosion, and may contribute to the spread of invasive grasses (Coates et al. 2021; Munoz et al. 2021; Henning et al. 2021)." In response to this claim and others throughout this EIS one of our science writers, wildlife ecologist, Craig Downer says: "The studies presented are biased and target the wild horses for blame concerning the decline of the Greater Sage Grouse while ignoring the major factors that are, in fact, contributing to this decline. For example, the fences that are erected to separate livestock grazing allotments provide perches for predacious raptors that hunt the Greater Sage Grouse. Also, these biased studies ignore many of the positive contributions that the naturally living horses make including the dispersal of tall bunch grass seeds that go on to germinate and provide the much-needed cover that is needed for the successful reproduction of this grouse. Also, the horses' droppings enrich soils to a much greater degree than is the case with the ruminant and cloven-hoofed herbivores that decompose their consumed forage to a much greater degree than the horses do. Also where is the consideration of the significant negative impacts of Off-Highway-Vehicles that pervade so many of the public lands where the GSG occur or of the livestock themselves whose sharp, claw-like hooves are much more damaging to riparian habitats when compared with the blunt, rounded hooves of the horses."	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	30	190.0411.00	Wild Horse and Burro Management	This EIS also claims: Wild horses may be a particular threat during the lekking season. Research suggests that male GRSG respond differently when native (pronghorn and mule deer) and non-native (wild horses and cattle) ungulates are on established leks (Munoz et al. 2021). GRSG continue to display at leks when native ungulates are present, but they are not usually detected when non-native ungulates are present (Munoz et al. 2021). According to Munoz, sage grouse are absent from leks or don't display when "non-native" species are present. But Munoz asserts they prefer cattle to horses because she observed 2 instances of horses being aggressive toward sage grouse and she claims they are often aggressive toward other native wildlife as well. Two observations of aggression do not prove a claim like that, she provides no proof, or what circumstances existed, for example it could be a case where a sage grouse pecked the leg of a horse to consume a bug, and the horse kicked because something pecked its leg. Her vague statement must be dismissed. Additionally, we have refuted herein, and in attachments, further assertions of wild horse aggression toward other species. They are prey animals, they do not have antlers or horns, and are not aggressive toward animals who do because that could cause them injury. We have provided examples of wild horses coexisting with other species (including sage grouse) in Attachment 5. We previously discussed the assertion that horses are non-native, which is a scientifically unproven statement. Also, they should not be lumped together with cattle or other non-native livestock. When they lump together wild horses and domestic livestock for this EIS it shows a bias that and does not acknowledge the wild behaviors of our legally wild horses. This statement in the EIS (above) also does not provide a qualitative analysis that shows the differences between the number of displays when livestock were present versus the number of times GRSG displayed when wild horses were present. We also provided statements from research (above) that showed that sage grouse avoid areas when mule deer are present. So, this data needs to be quantified and provided to the public. Coates was a co-author of the Munoz paper which seemed to use the Coates et al. 2021 study as a reference. Additionally, Munoz was a co-author of the Coates et al. paper. Both papers use the same cited references. This EIS could reduce paperwork and reading by picking one because they both say the same thing and cite the same studies. It seems to be a huge waste of taxpayer money for these reports to be written over and over stating the same things. And they aren't really necessary when all they do is cite other studies. Of course if BLM is only trying to make it seem there is a larger volume of works that claim various things we see why they would pay for several people to rewrite the same information citing the same sources. There was a statement "the authors have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper." This is not true, as the BLM, USGS and other government entities funded the studies, and use, reuse, the same authors instead of utilizing independent scientists. This creates a clear personal relationship with financial interests. It all can bias the findings, afterall, do you produce a study report that opposes what your boss wants to find and believe you will continue working for them. They thanked Tatiana Gettelman who "brought this issue to their attention." She claims that: "Stewardship-minded ranchers are helping reverse this decline by conserving and enhancing sagebrush habitat. And their conservation practices benefit more than just wildlife. They are improving the long-term sustainability of their grazing lands. As the saying goes, "what's good for the bird is good for the herd." This further supports our allegations that this EIS leans heavily in favor of public lands livestock grazing permittees, not true	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	31	190.0411.00	Wild Horse and Burro Management	This EIS states: "A subset of these areas (approximately 31.6 million acres nationwide) have been determined suitable for long-term management of wild horses and burros and are known as herd management areas (WHB HMAs)." According to the BLM website^11: "The Bureau of Land Management manages and protects wild horses and burros on 26.9 million acres of public lands" 11) Wild Horse and Burro Program; https://www.blm.gov/whb It makes no logical sense that BLM would manage horses on a smaller number of acres than this EIS claims are suitable acres, and claim are HMAs. Either this is an error or an explanation needs to be provided for the nearly 5 million acre difference.	

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DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	32	190.0500.00	Best available information-baseline data	This EIS states: "Wild horses and burros are a long-lived species with annual survival or other time period rates estimated between 80 and 97 percent (Wolfe 1980; Eberhardt et al. 1982; Garrott and Taylor 1990)." Quotes from Eberhardt et al. 1982: "Survival estimates for adult horses range from 70 to 80% per year (Wolfe 1980:Table 5) to 95% and higher (National Research Council 1980)...It is important to stress that the herds studied should not be regarded as typical of all feral horse herds. There are situations in which the rates of increase are appreciably smaller than those reported here and herds in the same management districts as those reported here appear to have lower rates, but are unfortunately not as well documented as those described above. Generalizations about all herds should not be made from the observed data, but research and management should be conducted in awareness that such rates are feasible and have been observed." Wolfe 1980 quotes: "Provisional estimates of first-year survival rates span the general range of 50-70 percent, while those for adults may approximate 80-85 percent." However Wolfe, using their preferred Chapman-Robson survival estimator came up with the following survival estimates: [Please refer to the document for Table 5. Implied adult survival rates of feral horses."] The Garrett and Taylor 1990 paper is not accessible online. The other 2 references cited do not support the claim made in the EIS. Both of them discuss the great degree of error possible when attempting to find an average survival rate. Both point out other studies that attempt to find the rate, and the errors in their methods.	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	33	190.0411.00	Wild Horse and Burro Management	This EIS has serious errors in: 3.7.1 Current Conditions "In the planning area, there are approximately 15 million acres of WHB HMAs....Current herd area, herd management areas, and estimated population of wild horse and burro within the project area are listed in Table 3-4 (Appendix 9). Wild horse and burro populations within the planning area continue to grow, often exceeding AMLs. Wild horses and burros can be causal factors for failing to meet applicable Land Health standards.". [Please refer to the document for Table 3-4. Wild Horse and Burro Herd Management Areas by State] First we point out the total acreage only includes California. It should be 50,158,361 according to this Table, which is also not the 15 million acres you stated were the total for Table 3-4. Additionally, this Table does not include AZ or NM but gives the total "allowable" AML of 26,785 which is the total national AML. Then the EIS states the populations continue to grow which does not take into consideration that between this 2022 estimate and 2024 population nationally has declined. The EIS states that horses can be causal factors for failing to meet land health standards. BLM is not doing rangeland assessments, and the ones that have been done have not followed BLM Technical Reference 1734-3 and do not provide species specific utilization data. Moreover, the acreage listed in Table 3-4 does not match the acreage given on Table 3-5 below. [Please refer to the document for Table 3-5 Acres of Wild Horse and Burro Herd Management Areas in GRSG Habitat Management Areas] Table 3-4 gives 4 states where total HMA acreage in the state is less than the HMA acreage on GRSG habitats in Table 3-5. For example Colorado according to Table 3-4 has 365,988 HMA acres for WHB. But Table 3-5 claims Co HMA acres on GRSG habitat are 384,000, which is more than the total acres in the state that are WHB HMA.	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	34	190.0500.00	Best available information-baseline data	According to BLM webpages for each state as of today there are differences in acreage and in one instance AML that are presented in Table 3-4 of this EIS. The information provided as of today (June 12, 2024) the BLM webpages give the following numbers: - BLM California ^12 manages 21 wild horse and burro herd management areas (HMAs) on approximately 2.5 million acres. (A difference of nearly 5 million acres from the amount on Table 3.4) 12) https://www.blm.gov/programs/wild-horse-and-burro/herd-management/herd-management-areas/california - BLM Montana/Dakotas ^13 manages the Pryor Mountain Wild Horse Range on approximately 36,000 acres. (A difference of roughly 9,000 acres) 13) https://www.blm.gov/programs/wild-horse-and-burro/herd-management/herd-management-area/montana-dakotas - BLM Nevada ^14 manages 83 wild horse and burro herd management areas on approximately 15.6 million acres. (A difference of nearly 1.6 million acres) 14) https://www.blm.gov/programs/wild-horse-and-burro/herd-management/herd-management-areas/nevada - BLM Utah ^15 manages 19 wild horse and burro herd management areas on nearly 2.5 million acres. The combined appropriate management level for all HMAs in the state is 1,956 animals. (A difference of 1.1 million acres and the AML is nearly doubled on your table from the BLM webpage) 15) https://www.blm.gov/programs/wild-horse-and-burro/herd-management/herd-management-areas/utah - BLM Wyoming ^16 manages 16 wild horse herd management areas on nearly 5 million acres (a difference of about 21 million acres) 16) https://www.blm.gov/programs/wild-horse-and-burro/herd-management/herd-management-areas/wyoming The total AML according to BLM state webpages (using only the states included on Table 3-4) for wild horses and burros is 24,931. If we add the allowable AML for AZ and NM to those we come up with 26,690 which is still less than what Table 3-4 comes up with. Included in Attachment 1 is information where BLM includes acreage that was zeroed out for WHB management but still includes it in the totals on their webpages. Additionally, the number of HMA acres in Table 3-4 is over 50 million, nearly twice what the BLM claims is the total HMA acres (including AZ and NM) which is only 26.9 million acres ^17. This statement and the chart need to be corrected, clarified and/or removed. 17 https://www.blm.gov/whb Based on the information provided both on BLM webpages, and in this EIS there is no transparency provided to the public about how many acres for WHB, or horses/burros are actually managed by the BLM.	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	35	190.0411.00	Wild Horse and Burro Management	The EIS continues saying: "Currently, the AMLs are being exceeded by an average of 3.6 times greater than the "high" AML value across the planning area (Table 3-4 [Appendix 9]). The total number of AML acres which overlap with GRSG Habitat Management Areas is displayed in Table 3-5 (Appendix 9)." Again, we point out that the population is in decline, which would bring the current population ^18 to 2.7 times the desired national population, not 3.6. Additionally, the statement says "AML acres" which we believe was meant to say "HMA acres". 18 BLM 2024 wild horse and burro estimates show reduced overpopulation; https://www.blm.gov/press-release/blm-2024-wild-horse-and-burro-estimates-show-reduced-overpopulation	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	36	190.0411.00	Wild Horse and Burro Management	This EIS on pg. I-12 states: "Some counties did express support for the wild horse and burro management under Alternative 3." Also, during the John Day-Snake RAC^19 meeting on June 6, 2024, BLM's Angel Dawson stated that Oregon Department of Fish and Wildlife wants the herds managed at low AML. 19) John Day-Snake RAC...ODFW wants OR herds managed at LOW AML. https://youtu.be/iHRIXZuwFSg at approx 23:50 in the video. There is an old theory that "the states manage wildlife and federal land agencies only manage wildlife habitat" which is not only wrong from a legal standpoint but it leads to fragmented approaches to wildlife conservation, unproductive battles over agency turf, and an abdication of federal responsibility over wildlife. Furthermore, the states' trust responsibilities for wildlife are subordinate to the federal government's statutory and trust obligations over federal lands, their integral resources and federally protected species. The management of herds at the lower end of the Appropriate Management Level (AML) would compromise the AML range designed for each herd, which allows a herd to replenish after a gather until it reaches the upper AML. This approach is intended to safeguard the genetic health of herds, which often have AMLs that fall significantly below the recommended population size^20 required for a healthy, genetically diverse population of wild horses. Once again this EIS making decisions based on the wishes of ODFW, as with other state or local agencies wishes, is beyond current management authority according to the approved management plans for wild horse herds. Any decisions to alter the management of populations would necessitate new National Environmental Policy Act (NEPA) planning and assessment projects for each herd. 20) A Demographic Analysis, Group Dynamics, and Genetic Effective Number in the Pryor Mountain Wild Horse Population, 1992-1997; By Francis J. Singer, Linda Zeigenfuss; 2010; Biological Resources Division U.S. Geological Survey; Natural Resources Ecology Laboratory Colorado State University, Fort Collins, CO 80523; Linda Coates-Markle, Billings Field Office Bureau of Land Management 5001 Southgate Drive Billings, MT 59107-6800 and Rev. Floyd Schwieger, 472 W. 7th Street Lovell, WY 82431 Finally, we remind the BLM again, that the Wild Horse and Burro Act is a land use policy that predates the Sage Grouse plan and as such this plan must conform with that land use plan, not amend it without statutory authority to do so. During the same RAC meeting Angel Dawson stated that livestock are not considered a problem for sage grouse, it is just the fences that are an issue. We all know that without livestock there would be almost no fences on our public lands. So the two go hand in hand. There would still be some exclusion fences. BLM should provide some statistical data of how many fences could be removed if livestock containment was not needed in GRSG habitat areas. As stated herein wild horse fences are not common, but are used along major roadways in some instances, and some exclosures exist. The majority of fences that exist are however, due to livestock containment.	

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DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	37	190.0411.00	Wild Horse and Burro Management	This EIS also states: "Climate change may affect the availability of wild horse and burro forage or water resources as well as rangeland health; AMLs for herds were established based on past conditions, including vegetation and water resources. Should available forage or water resources be reduced due to a change in climate, current AMLs may no longer be appropriate, rangeland conditions may be impacted, and herd health impacted due to a lack of resources." BLM is required to consider the impact on the current climate crisis^21 in all decisions made. 21 Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis; "EO 13990 highlights the need to use science to reduce greenhouse gas emissions, bolster resilience to the impacts of climate change, and prioritize environmental justice." Executive Order 14008: Tackling the Climate Crisis at Home and Abroad; "EO 14008 calls for quick action to build resilience against the impacts of climate change, bolster adaptation, and increase resilience across all operations, programs, assets, and mission responsibilities with a focus on the most pressing climate vulnerabilities." Secretarial Order 3399 - Climate Crisis and Restoring Transparency and Integrity to the Decision-Making Process However, the above statement regarding changes in wild horse management due to the effects of climate change are in sharp contrast with management practices that ignore climate impacts causal to livestock production. Again, this shows the deep preference given to one use while using every possible excuse to eliminate another.	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	38	190.0500.00	Best available information-baseline data	The livestock industry in the US has skewed statistics^22 to present a much rosier picture than what is reality regarding animal agriculture and the BLM is simply following suit and seemingly doing so to appease a few public lands ranchers while denying the wishes of the majority of the American public. 22) Climate change dominated long-term soil carbon losses of Inner Mongolian grasslands: Chen et al., 2018; Li & Wang, 2012; https://www.sciencedirect.com/science/article/pii/S0048969720383716 The impact of climate change on livestock production in pastoral areas of China; Xiaolong Feng et al.; https://www.sciencedirect.com/science/article/pii/S0048969720383716 Livestock Use on Public Lands in the Western USA Exacerbates Climate Change: Implications for Climate Change Mitigation and Adaptation. Environmental Management. Kauffman, John & Beschta, Robert & Lacy, Peter & Liverman, Marc. (2022). 69. 10.1007/s00267-022-01633-8. Mike Hudak's 2009 essay^23 is a good source that explains the data skewing while providing unbiased data. 23) Mike Hudak, PhD; Claims That Livestock Grazing Enhances Soil Sequestration of Atmospheric Carbon are Outweighed by Methane Emissions from Enteric Fermentation: A Closer Look at Franzluebbers and Stuedemann (2009); https://www.mikehudak.com/Articles/FranzluebbersAndStuedemannCritique.pdf	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	39	190.0500.00	Best available information-baseline data	The EIS pg. 3-30 and 3-31 states: "Public lands are managed to achieve or make significant progress toward achieving Land Health Standards developed for an area unless specified otherwise in the Land Use Plan." And it further states: "In accordance with 43 CFR Part 4180, the BLM must take appropriate action as soon as practicable but not later than the start of the next grazing year upon determining that existing grazing management practices or levels of grazing use on public lands are significant factors in failing to achieve the standards and conform with the guidelines." BLM has not been doing land health assessments^24 so a "determination" that an area is failing, progressing toward or meeting land health standards cannot be made. 24)Fact sheet Rangeland Health BLM Grazing, PEER May 2024: https://peer.org/factsheet-rangeland-health-blm-grazing-pdf/ According to Public Employees for Environmental Responsibility (PEER)^25: "America's public rangelands suffer far more damage from overgrazing by commercial livestock than from wild horses and burros, according to the latest U.S. Bureau of Land Management (BLM) data analyzed by Public Employees for Environmental Responsibility (PEER). The damage estimates are based on BLM's own Land Health Standards, which measure the minimum water quality, vegetation, and soil conditions needed to support wildlife." 25) Range Damage from Cattle Far Exceeds Wild Horse Impacts; May 29, 2024; https://peer.org/range-damage-from-cattle-far-exceeds-wild-horse-impacts/	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	40	190.0500.00	Best available information-baseline data	Peer also found that: - "America's public rangelands suffer far more damage from overgrazing by commercial livestock than from wild horses and burros, according to the latest U.S. Bureau of Land Management (BLM) data analyzed by Public Employees for Environmental Responsibility (PEER). The damage estimates are based on BLM's own Land Health Standards, which measure the minimum water quality, vegetation, and soil conditions needed to support wildlife.More than two-thirds of BLM acreage not meeting its own minimum Land Health Standards are due solely to livestock overgrazing, while less than 1% of those failing acres are due solely to wild horses; - In the ten Western states under BLM's grazing program, only one (Nevada) has more than 1% of those failing acres where wild horses are even a factor; and - Nationally, only 77 allotments (out of about 21,0000 allotments) are failing due in whole or part to wild horses." We know from the AZ Resource Advisory Council^26 on April 24, 2024 that BLM feels they no longer are required to do any land health assessments, except for riparian areas, during a grazing permit renewal. And we know most of the renewals are not even getting riparian area assessments. (Public Employees for Environmental Responsibility [PEER] Interview with NPR^27) 26) AZ RAC meeting, April 24, 2024: https://youtu.be/t1BDXH0nEwU?si=oXN5Ix8M3-fUU7GH 27) Nearly 60 million acres of BLM land fail to meet agency's standards for land health; NPR Think Out Loud series, May 21, 2024; https://www.npr.org/podcasts/408524085/think-out-loud The interview revealed that BLM is using a loophole, which is a FLPMA rider (402c2), to bypass doing assessments. More than 60% of 245 million acres of public land managed by BLM is being managed through leased livestock grazing allotments in Oregon and 9 other Western states. 84% of the allotments in OR alone have not been assessed by using this loophole. 8 out of 10 allotments are failing BLM land health standards, yet no assessments are being done to monitor progress or lack thereof. According to PEER, livestock grazing (not wild horse presence) is the main reason why nearly 60 million acres of BLM rangeland fail the agency's own standards for land health, which are used to assess soil and water quality, among other factors. The impacts of livestock on the environment compared to that of wild horse impacts should be considered when determining whether or not reduction or elimination of either species should be undertaken to improve or preserve GRSG habitats. (See Attachment 6)	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	41	190.0411.00	Wild Horse and Burro Management	The EIS at pg 4-186 states: "Management actions that can affect climate change include actions that emit GHGs, and those that create, eliminate, or damage carbon sinks and sequestration on BLM-managed lands. These include mineral exploration, development, and production activities; livestock grazing, wild horses and burros, and wildlife; wildland fire; vegetation management; rangeland management; and infrastructure development. Protection of GRSG habitat may move sources of GHGs to different locations." Moving the location of a source of GHGs, or a use that is causal to loss of carbon sequestration is not going to change the impact on the climate crisis. Overall, the climate changes which negatively impact sage grouse, such as drought or wildfire, are not going to be mitigated by moving these uses away from GRSG habitat. This statement is nonsensical and should be removed. (Additionally, wild horses cannot be moved to places they were not in 1971 pursuant to the WHBA.)	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	42	190.0411.00	Wild Horse and Burro Management	In the EIS on pg 4-186, 187 BLM states: "Livestock Grazing Management Grazing, in addition to wild horses and burros and big game wildlife herds, can impact emission of GHGs and improper grazing can affect vegetation, soils, and water resources (Beschta 2012; Ripple et al. 2014; Gerber et al. 2013). Wild horses and burros cannot be lumped in with ruminants when comparing impacts like GHG emissions. As hind gut fermenterds (having a cecum) they emit far less GHGs than ruminants. (Attachment 6) There is no paper listed in the Literature Cited list in the EIS for Beschta 2012. There is only a paper from 2014. Here, Beschta focuses on livestock grazing as the major cause of the impact on vegetation, soils and water resources. Also the cause of increased fire. WHB were not specifically identified as a major cause.	

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DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	43	190.0500.00	Best available information-baseline data	J. Boone Kauffman 2022^28, co-authored by Beschta, stated: "Removing livestock can increase soil carbon sequestration on lands that have been depleted in the past by poor management. Removing livestock is not only a viable, cost-effective natural climate solution; it also offers enhanced water quality, flood buffering, soil health, habitat diversity, and climate resilience (Beschta et al. 2012)." 28) Kauffman, J.B., Beschta, R.L., Lacy, P.M. et al. Livestock Use on Public Lands in the Western USA Exacerbates Climate Change: Implications for Climate Change Mitigation and Adaptation. Environmental Management 69, 1137-1152 (2022). https://doi.org/10.1007/s00267-022-01633-8 Beschta also says: "Livestock Grazing is Not a Viable Tool for Reducing Fuels and Wildfire Effects". This opposes opinions throughout this EIS where BLM states that reduction or complete removal of livestock could add to the potential for wildfire because the vegetation would not be consumed. Beschta further contradicts this opinion by stating: "Livestock grazing in western US landscapes altered natural fire regimes by decreasing the frequency of low-severity fires beginning in the early 1900s (Swetnam and Betancourt 1998), making large areas prone to invasion by woody species and, in turn, more susceptible to high severity fires (Chambers and Pellant 2008)." We cannot provide comment on the other 2 references cited in the quote above from page 4-186, 187 of this EIS (Ripple and Gerber) because they were not provided in the literature list.	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	44	190.0410.00	Livestock Grazing	However the EIS goes on to state: "Conversely, sustainable livestock grazing can have beneficial effects by reducing fuel loads, reduction in wildfire potential, and improving soil conditions and biological diversity. Grazing, under improved management, can increase carbon sequestration potential of the soil and promote root production (Chen et al. 2015). Further, as described in Section 2.9.7, livestock grazing is managed to meet or make progress toward land health standards, thus reducing the likelihood of adverse effects." This statement is in opposition to the statements made by Beschta (above). Moreover, the Chen study cited did not have control plots. The outcomes that showed any positive carbon sequestration were only in that of soil content, not aboveground. The following limitation was found: "Our results, in a temperate steppe environment, show that the aboveground biomass production was resilient to grazing up to a utilization rate of 50% (~5.5 SE/ha), but declined sharply with higher levels of utilization. The belowground production seems to be more sensitive than the aboveground production showing a continuous change with stocking rate (Fig. 3b). This may indicate that the root growth is critical to rapidly acquire nutrients to replace lost foliage under moderate grazing. Further regression analysis between carbon change and stocking rate showed that the optimal stocking rate for carbon sequestration is ~5SE/ha (Fig. 8a), which coincided with the stocking rate for the highest root production." As stated above, BLM has not been doing any utilization monitoring of livestock allotments. So statements that attempt to claim livestock management is at a "sustainable" level relative to improving soil conditions or biological diversity are not supported by any monitoring data. And there is no utilization rate provided in allotments to show that the maximum stocking rate discussed in Chen to achieve any positive carbon impact exists. The last claim that livestock grazing is managed to meet or make progress toward land health standards is not supported by any reports or data, thus this statement should be removed from the EIS everywhere it is made.	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	45	190.0411.00	Wild Horse and Burro Management	This EIS at pg. 4-9: states: "Effects of wild horses on habitats may also be more pronounced during periods of drought or vegetation stress (NTT 2011). Methods used for wild horse and burro gathers may also disturb GRSG." The NTT 2011 report also states: "Coordinate with other resources (Range, Wildlife, and Riparian) to conduct land health assessments to determine existing structure/condition/composition of vegetation within all BLM HMAs." As stated many times herein, BLM is not doing land health assessments. In fact, a recent wild horse EA^29 admitted the last assessments for two HMAs were done in 2013. Both HMAs had livestock allotments covering nearly all HMA acres. This is an issue that we frequently address in our public comments, and we do not get responses from BLM. Therefore, the language in this EIS to remove, reduce, gather, etc. any wild horses because of GRSG population or habitat impacts should only be considered if there is a current land health assessment done that follows the guidelines and procedures in Technical Reference 1734-3. Additionally, the assessment must include a utilization report that provides data by species and does not lump livestock impacts in with wild horses or other grazing ungulates. 29) n 9	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	46	190.0410.00	Livestock Grazing	Here is a perfect example (from the EIS) of how BLM manages land based on biases of 2 public land uses (livestock grazing), and a natural resource (wild horses): Pg. 4-24: Removal of livestock: "There would be the possibility of increased wildfires without livestock to reduce fine fuels on a large portion of the landscape" Also pg. 4-24: Removal of wild horses: "Removing wild horses and burros in PHMA would increase total vegetation, grass abundance and cover, sagebrush canopy cover, species richness, and dominance of palatable forbs" Removal of one species (cows) is bad because they won't eat the forage, leaving another species (horses) is bad because they do eat that same forage. If the goal is really to have fuels consumed, that aid in wildfire intensity or spread, then leaving horses who would also consume these same fuels should not be an issue. Alternatively, if the goal is to protect the forage within GRSG habitats then BLM needs to provide data that shows the current utilization of those plants which compares the number of livestock vs the number of horses on any given GRSG habitat area of concern. However, given these 2 statements are the general attitude of the BLM overall, we feel that the goal is not protection of, or consumption of forage, it is simply protection of one land use with exorbitantly high influence over the agency. Again, this is absolutely nonsensical, and would be actionable; this bias needs to stop.	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	47	190.0411.00	Wild Horse and Burro Management	These are other examples of bias where removing horses would benefit 'the sacred cow': Pg 4-65: "Prioritizing wild horse and burro gathers in herd management areas and HAs in priority GRSG habitat to meet established AMLs would reduce any current levels of forage competition between wild horses and burro and livestock." Pg 4-69: "Management to adjust or reduce AMLs would enhance vegetation productivity and sustainable forage, particularly where rangeland conditions could be improved. Tiered prioritization of gathers in HMAs in SFA, followed by PHMA, GHMA, and IHMA to meet established AMLs would reduce any current levels of forage competition between wild horses and burros and livestock on allotments in PHMA." Pg 4-119: "Improper livestock grazing could impact ACEC values, depending on what the values are for each ACEC, by increasing the potential for soil erosion, increasing annual grasses, reducing perennial native vegetation, and affecting the plant communities that are the values for which the ACEC was designated. As another group of large grazing ungulates, wild horses and burros, have the capability of overutilizing vegetation, causing degradation of soil and vegetative resources as described for livestock grazing. Closing ACECs to livestock grazing could help protect relevant and important values by eliminating soil and vegetation disturbance associated with livestock grazing; however, this could also increase the risk for wildfire due to increased fuel loads. Further, as described in Section 2.9.7, livestock grazing is managed to meet or make progress toward land health standards, thus reducing the likelihood of adverse effects." The above paragraph starts out discussing livestock impacts on ACEC's and finishes by making claims that if they are removed it might increase the potential for wildfire and finally claims that livestock are managed by evaluation of progress toward meeting land health standards. We have already provided evidence that this is not true due to the lack of completion of land health studies. But, wild horses are thrown into the middle of this paragraph as if they somehow are part of this issue. Once again, BLM attempts to lump wild horses and their impacts, in with livestock to minimize the impacts of livestock themselves. That should be removed from this paragraph that is supposed to be analyzing the impact of "livestock" on ACECs.	

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DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	48	190.0411.00	Wild Horse and Burro Management	While BLM put this plan out to protect GRSG it seems to be focused on protecting livestock when it comes to the discussions of wild horses. There is little attempt or evidence given that quantifies horse impacts on sage grouse, and where there is, it is most often a study or statement that combines horses with livestock like the following from the EIS (pg. 4-36): "Wild horse and burro impacts are similar to those from livestock grazing, as wild horses and burros also forage on and trample vegetation. However, wild horse and burro use is not authorized through the permitting process and is thus not managed in the same way as livestock grazing." While we agree that obviously wild horses (as a natural resource) are not managed in the same manner as domestic livestock we feel this statement is unnecessary. This statement is often used to mislead the reader or insinuate that horses do more damage because they are not removed part of the year, or support the idea that horses are always permitted to freely roam while cows are always in fences (neither of which is normally true). Wild horse impacts may be similar in some ways, but they are significantly different in other ways. Impact differences can be attributed to the different digestive systems, as horses have a cecum and other grazing (domestic and wild ungulates) animals do not. The hoof structure is different which impacts soil compaction and soil crust disturbance in different ways. (see Attachment 7) The increased size of a beef cow today would warrant 1.25 AUM's (Kauffman 2022^30) which is not updated in current forage allocations. The sheer number of livestock versus horses on the land makes a difference in the overall impacts. And the benefits of wild horses on the land are not acknowledged at all. 30) n 14 Liz Koonce^31 states: "Plant species richness and pollinator populations have been found to be higher in areas grazed by horses compared to ungrazed areas and can even mitigate the decline of pollinator-dependent plants. Horses have other interesting effects on the ecosystems they inhabit; by trampling certain vegetation and wallowing near water mustangs can create microhabitats and redistribute nutrients through seed dispersal7. Their feces, in addition to spreading seeds, builds the humus layer of soils and increases soil's absorption of water, lowering wildfire risk. These characteristics are unique to horse feces compared with ruminants such as cattle, sheep, goats, or deer." 31) The Grass Remembers the Horses, Liz Koonce; https://medium.com/@lizkoonce/the-grass-remembers-the-horses-cf380b7e07d9	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	49	190.0500.00	Best available information-baseline data	The EIS also states the following on pg 4-198: "The land uses most commonly associated with stream degradation in the planning area is improper livestock grazing and excessive use by wild horses and burros because it is most prevalent, compared with other land use disturbances. Livestock, wild horses, and burros often use the same riparian and wetland areas for water and shade and may congregate around water developments. This can result in compacted soil, decreased water quality due to fecal coliform introductions, trampled and consumed nearby vegetation, and reduced riparian community conditions and hydrologic functionality (Weltz et al. 2017)." In reading this Handbook (Weltz et all 2017) we found no reference to any animal, fecal coliform or trampling. However, well-known hydrologist Wayne Elmore, said in Lynn Jacobs' 1991 Waste of the West - Public Lands Ranching, that "Many people have never seen a healthy rangeland riparian area, since degradation was widespread before many of us were born." In this same publication, noted riparian specialist, Harold Winegar, is quoted: "...Usable water could be increased by about 190,000 acre feet on Oregon's Ochoco National Forest simply by removing cattle for 10 years" and "... that with only 5 years of no grazing on the Ochoco, fishery production could be expected to increase 150%".	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	50	190.0500.00	Best available information-baseline data	Additionally, we point out that BLM is once again lumping wild horses in with domestic livestock for the purposes of claiming negative impacts on riparian areas. However, horses spend significantly less time at water sources than do cattle. The following references discuss the distance horses travel to water sources and provide proof that damage done to riparian areas when compared to that of cattle is negligible. (Hampson32 2010, Miller^33 1983, and Ganskopp^34 2000) Hampson found: "Average distance travelled was 15.9 ± 1.9 km/day (range 8.1-28.3 km/day). Horses were recorded up to 55 km from their watering points and some horses walked for 12 h to water from feeding grounds. Mean watering frequency was 2.67 days (range 1-4 days).Feral horses are able to travel long distances and withstand long periods without water, allowing them to survive in semi-arid conditions." 32) Distances travelled by feral horses in 'outback' Australiaevj_203 582..586; B. A. Hampson*, M. A. De Laat, P. C. Mills and C. C. Pollitt; Equine Veterinary Journal Equine vet. J.(2010) 42 (Suppl. 38) 582-586 doi: 10.1111/j.2042-3306.2010.00203.x 33) Habitat Use of Feral Horses and Cattle in Wyoming's Red Desert Author(s): Richard Miller; Journal of Range Management, Vol. 36, No. 2 (Mar., 1983), pp. 195-199; Society for Range Management; http://www.jstor.org/stable/3898161 34) Ganskopp, D., & Vavra, M. (1986). Habitat use by federal horses in the Northern sagebrush steppe. Journal of Range Management, 39(3), 207-212 Miller observed: "The presence of horses at waterholes did not prevent either sage grouse (Centrocercus urophasianas) or coyotes (Canis latrans) from drinking." Ganskopp showed: "Home ranges averaged 12 km* with the minimum convex polygon procedure and 27 km2 with the 90% confidence ellipse method." "The hypothesis that horses watered at random periods throughout the day was rejected (PCO.01). Horses preferred to drink during the first and last periods of daylight. Forty-six percent of the daylight watering events occurred during the first period of the day, and 33% occurred during the last period...Watering events averaged 16.1 minutes in duration, with a range of 1 to 45 minutes. Typically groups of horses moved rapidly to and from water with very few feeding or loafing activities occurring in the immediate vicinity of the drinking areas."	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	51	190.0500.00	Best available information-baseline data	Then the EIS on pg. 4-50 states: "Wild horses and burros may alter habitat conditions for fish and wildlife species, including reduced total vegetation and grass abundance and cover, lowered sagebrush canopy cover, increased shrub canopy fragmentation, lowered species richness, increased compaction in surface soil horizons, and increased dominance of unpalatable forbs (Manier et al. 2013). Wild horses and burros also have direct impacts on wildlife and compete for forage and water as they have been documented aggressively defending water sources from native ungulates (Perry et al. 2015)." BLM is attempting to cherry pick statements from different scientific studies. BLM frequently uses Kaweck, which we have disagreed with, however the Kaweck 2018^35 paper does state: "Our analysis did not show any evidence that use of riparian areas by one species of animal caused other species to avoid the area. In fact, there was a slightly positive relationship between horses and wildlife (? = 0.24, P b 0.01) and between horses and cattle (? = 0.25, P b 0.01)." 35) Impacts of Wild Horses, Cattle, and Wildlife on Riparian Areas in Idaho; Kaweck, M.M., Severson, J.P., Launchbaugh, K.L.; April 2018; Rangelands 40(2); DOI:10.1016/j.rala.2018.03.001	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	52	190.0500.00	Best available information-baseline data	Furthermore, studies done from the Kalahari (Boyers et al.^36) and the Arabian Desert (Hetem et al., 2012a^37) found that many herbivores are adjusting the time of day they use water sources due to climate change and increased temperatures. 36) Melinda Boyers, Francesca Parrini, Norman Owen-Smith, Barend F N Erasmus, Robyn S Hetem; How free-ranging ungulates with differing water dependencies cope with seasonal variation in temperature and aridity, Conservation Physiology, Volume 7, Issue 1, 2019, coz064, https://doi.org/10.1093/conphys/coz064 37) Robyn S Hetem, Andrea Fuller, Shane K Maloney & Duncan Mitchell (2014); Responses of large mammals to climate change, Temperature, 1:2, 115-127, DOI: 10.4161/temp.29651	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	53	190.0500.00	Best available information-baseline data	The other important note on water source use between species is the acknowledgement that species, especially prey species will alter their use patterns. Amoroso^38 found that: "Animals that depend on water sources in dry environments must balance their water demands with predation risk. In settings of water scarcity, predators may strategically exploit prey's dependence on water; prey may adjust their use of water sources either spatially or temporally to avoid overlapping with predators." 38) Amoroso, Caroline & Kappeler, Peter & Fichtel, Claudia & Nunn, Charles. (2020). Temporal patterns of waterhole use as a predator avoidance strategy. Journal of Mammalogy. 101. 574-581. 10.1093/jmammal/gyaa020	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	54	190.0409.00	Predation	BLM has not looked at how behavior at water sources might be dependent on predator presence. Sage Grouse are known to hang out with horses, as are other prey species. Wild horses, as an extremely sensitive, flight (prey) species are often the alert system for other prey species. Sage grouse in particular will use the wild horses as protection from smaller predators like coyotes. Coyotes do not often try to attack sage grouse in the middle of a band of wild horses. They weigh the possibility of being injured by a horse against the possible benefit of a sage grouse meal. Most often the coyote will avoid attempting to hunt in that situation. So, wild horse presence, including at a water source, benefits sage grouse.	

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DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	56	190.0411.00	Wild Horse and Burro Management	The EIS also states on pg. 4-24: "Likewise, avian predators may be reduced if range improvements, including artificial water sources and fences, are also removed (Stevens et al. 2012; Manier et al. 2013, Coates et al. 2016). However, if livestock are removed on BLM fences may be erected to fence out BLM lands from adjacent private grazing lands. Additional fencing may also be needed to keep wild horses off BLM-administered PHMA. If fencing increases in areas of mixed ownership, there would be increased potential for impacts such as injury or mortality from fence strikes and predation." The BLM does not analyze how many miles of fence would be removed on BLM public lands, versus how many would be constructed on private lands. Given the sheer amount of fencing on public lands, we believe the difference would show a significant decrease in total fencing if they were removed from public lands. Again, according to the 92nd Senate Congressional Committee Report 92-242 it was not the intent of Congress to have horses managed in "zoo like" areas, so there should not be fences constructed to keep horses from any areas on their federally designated lands. Again, there has been no study that provides evidence that wild horses do any damage to GRSG habitats. Furthermore, in discussing fencing as perches for predators, BLM has not analyzed the impacts to protected raptors, i.e. bald or golden eagles, and various hawk and owl species, etc. Most importantly, we point out that the BLM's Greater Sage-Grouse Plan Implementation Rangewide Monitoring Report for 2015-2020^40 mentioned horses ONE time in the 582 page report, on page 503. They were found to be a causal factor in one year in one area. The rest of the report finds that the major causes for GRSG population and habitat decline were due to fire, oil, gas and livestock. We believe that this should warrant removal of wild horses from any GRSG plan as this affirms all of what we have stated throughout. It validates our scientific proof, and our statements that there is no finding that wild horses (without the presence of, or being combined with livestock) would have any impact on GRSG populations. 40 Herren, V., E. Kachergis, A. Titolo, K. Mayne, S. Glazer, K. Lambert, B. Newman, and B. Franey. 2021. Greater sage-grouse plan implementation: Rangewide monitoring report for 2015-2020. U.S. Department of the Interior, Bureau of Land Management, Denver, CO.	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	57	190.0411.00	Wild Horse and Burro Management	According to the World Wildlife Fund^41: "Greater sage-grouse were once found across 13 western U.S. states and 3 Canadian provinces. Unfortunately, because of oil and gas development, conversion of land for agricultural use, climate change and human development, sage-grouse only inhabit half their historic range." 41) World Wildlife Fund; Sage Grouse Factsheet; https://www.worldwildlife.org/species/greater-sage-grouse As wild horse advocates we find the constant statements by BLM, that our advocacy for wild horses is related to "symbolism" or "emotional connection", are offensive and incorrect. Such as the following statement in the EIS on pg. 3-50: "Wild horses are often termed "living symbols of the historic and pioneer spirit of the West." (16 U.S.C. §1331). As such, some stakeholders place a social value on horses related to this symbolism. Wild horses may also hold value for some due to an emotional connection related to the long history of human-horse interactions throughout civilization (Scasta et al. 2018)"	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	58	190.0411.00	Wild Horse and Burro Management	And pg. 4-136: "Wild Horse and Burro Management As discussed in Chapter 3, some stakeholders value the existence of wild horses due to their symbolism in of the American west and value the opportunity to view wild horse and burros on the range." While, as humans who are not sociopaths, we do have emotions and value the cultural and historic value of our wild horses. However, our reason at OWHO for advocacy of wild horses is because species diversity is crucial for ecosystem health, and if a species disappears, an entire ecosystem can start to unravel. Biodiversity is essential for the processes that support all life on Earth, including humans. Without a wide range of animals, plants and microorganisms, we cannot have the healthy ecosystems that we rely on to provide us with the air we breathe and the food we eat. And people also value nature itself. Protecting and conserving different species is crucial for several reasons. First, each species plays a unique role in its ecosystem, contributing to the overall balance and health of the environment. Loss of any species can disrupt this balance, leading to unpredictable and potentially harmful consequences. Second, biodiversity, the variety of life on Earth, provides various ecosystem services essential for human survival, such as clean air, water, pollination of crops, and disease regulation. Preserving different species ensures the continuation of these services, which are vital for human well-being. Genetic diversity within a species is equally important. It allows populations to adapt to changing environments and challenges, such as diseases and climate change. Genetic diversity provides the raw material for natural selection, enabling species to evolve and survive over time. Biodiversity is essential for the functioning of ecosystems, the well-being of human societies, and the overall health of our planet. Its preservation is critical for current and future generations to enjoy a stable and sustainable environment.	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	59	190.0411.00	Wild Horse and Burro Management	This is also a belief that is a cornerstone of the American Museum of Natural History^42: " We use the term "biocultural" to describe the dynamic, continually evolving and interconnected nature of people and place, and the notion that social and biological dimensions are interrelated. This concept recognizes that human use, knowledge, and beliefs influence, and in turn are influenced, by the ecological systems of which human communities are a part. This relationship makes all of biodiversity, including the species, land and seascapes, and the cultural links to the places where we live-be right where we are or in distant lands-important to our wellbeing as they all play a role in maintaining a diverse and healthy planet." 42 American Museum of Natural History; What Is Biodiversity?; https://www.amnh.org/research/center-for-biodiversity-conservation/what-is-biodiversity We understand that these statements were made in an attempt to analyze the socioeconomic impacts, however the above 2 statements (from EIS pgs. 3-50 and 4-136) should be removed. This EIS did not analyze those impacts of species diversity when discussing removal of wild horses. Therefore, the analysis of socioeconomic impacts should be focused only on the sections that follow in the EIS, which include tourism, aesthetic enjoyment of studying, observing and photographing the wild horses.	

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DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	61	190.0500.00	Best available information-baseline data	The EIS on pg 4-207: "Livestock Grazing and Wild Horse and Burro Management" once again lumps cattle and wild horses together, "Cultural resources can be adversely impacted by livestock grazing and wild horses". There are significantly more livestock on the land than horses. The weight differences would provide different impacts. The location of artifacts, the type of artifact and other variables would also make a difference. The EIS goes on to state: "Experimental studies have shown that trampling significantly impacts both the physical artifacts and features of a site. It also distorts the most common analytical approaches to measuring sites, such as artifact abundance, raw material proportions, and average artifact dimensions (Osborn et al. 1987; Douglass and Wandsnider 2012). Trampling also causes the vertical displacement of artifacts, especially in wet ground (Eren et al. 2010). Making land unavailable for livestock grazing and removal of wild horses or burros would be protective of cultural resources." Osborn 1987 did not assign any blame to wild horses. Osborn's paper only referenced horses owned by humans, not wild horses. The only damage he mentioned was attributed to cows, and then he stated that horse dung was observed at a different archaeological site: "The original site form for 42GA458 noted that cows may have knocked over the upright slabs of a cist. Scattered cow and horse dung covered the floor of 42GA459." Douglass and Wandsnider did not mention horses at all in their paper. The word "horse" never appears in the paper. Eren et al. 2010 also did not mention horses at all, cows were mentioned twice, elephants twice, and humans several times. Additionally, the climate and land are not comparable. Western arid lands and the Southern India Jurreru Valley differ significantly in terms of climate, topography, and vegetation. Western arid lands, such as those in the western United States, are characterized by low precipitation, high temperatures, and sparse vegetation. These areas often consist of deserts, arid plains, and rocky terrain. In contrast, the Jurreru Valley in Southern India experiences a tropical climate with high levels of rainfall, resulting in lush greenery, dense forests, and fertile land for agriculture. The topography of the Jurreru Valley is defined by its rivers and fertile plains, in contrast to the arid and rocky landscapes of western arid lands. In the western arid lands, where the ground is typically dry and hard due to low precipitation, the trampling of archaeological artifacts may result in minimal impact on the artifacts themselves. The arid conditions can contribute to the preservation of artifacts by reducing the likelihood of rapid decay and erosion caused by moisture. In contrast, the lush and fertile environment of the Jurreru Valley in Southern India may present a higher risk to archaeological artifacts due to the softer and more moisture-laden ground. The increased moisture levels and organic matter in the soil can lead to greater susceptibility to damage from trampling and environmental degradation. Therefore, the differences in climate and terrain between these two regions can significantly affect the preservation and vulnerability of archaeological artifacts to trampling. Therefore the statement on page 4-207 referenced above from the EIS should be amended to read "Cultural resources can be adversely impacted by livestock grazing".	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	62	190.0411.00	Wild Horse and Burro Management	Similarly the statement on pg. 4-208 offers no proof where again wild horses are combined with livestock: "The loss of vegetation, such as grass, forbs, and shrubs over-consumed by improperly managed livestock, wild horses, or burros can result in increased erosion (Section 4.14.2, Soil, Nature and Type of Effects), potentially impacting the integrity of cultural resources. Erosion and the loss of vegetation due to improper grazing could also result in impacts to the setting of cultural resources. However, as described in Section 2.9.7, livestock grazing is managed to meet or make progress toward land health standards, thus reducing the likelihood of these effects." The addition of the last sentence gives the appearance that because livestock are managed... the impacts would be caused mostly by wild horses/burros, which never should have been added to this statement in the first place. Again, BLM is showing a bias. This statement in the EIS on pg 4-215 as we have pointed out is not supported by any factual evidence provided in this EIS and should be amended or removed: "Wild Horse and Burro Management Impacts from wild horse and burro management under Alternative 5 would be similar to those described for Alternative 1. Management to the low end of the AMLs could reduce impacts from wild horses and burros on cultural resources in some areas."	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	63	221.0000.00	Tribal Interests	The last issue we are providing comment on is perhaps the most egregious in the EIS. OWHO has several members who are indigenous, including board president Theresa Barbour. We have asked other indigenous members their thoughts on the following statements: "4.17 TRIBAL INTERESTS 4.17.1 Nature and Types of Effects Livestock grazing and wild horse and burros may also alter the landscape in ways that decrease tribal opportunities to maintain specific traditional practices and values. Pg 4-218: Livestock Grazing and Wild Horse and Burro Management Management of livestock grazing and wild horses and burros in PHMA and GHMA could decrease tribal opportunities to maintain specific traditional practices and values such as observing lekking behavior if those current management practices have led to decreases in GRSG populations." One member of the Blackfoot, Cree, and All of the Wild Horse Nation, Roxanne Talltree Douglas stated: "First of all unless you're native you can't speak for native people so, unless a native person said this and they were speaking for other native people they have NO business assuming anything even remotely related to this. Wild horses and burros are PART of the landscape, the earth. They stamp blessing on the earth with their hooves and spread seeds, life and freedom everywhere each hoof falls. They DO NOT decrease anything. Rather, they increase everything sacred just by being on the earth thereby improving opportunities for traditional practices and values." The attitudes of US indigenous peoples toward horses and sage grouse differ significantly. Horses hold a deep cultural and historical significance for many indigenous communities, representing freedom, strength, and connection to the land. They have been used for transportation, hunting, and ceremonial purposes for centuries. As such, many indigenous peoples hold horses in high esteem and consider them to be important spiritual and cultural symbols. On the other hand, sage grouse are an essential part of the ecosystems in the American West, and many indigenous communities view them as an important indicator of environmental health. The presence of healthy sage grouse populations signifies the balance and vitality of the natural world, and their decline can signal ecological disruption. As a result, indigenous peoples often advocate for the protection and conservation of sage grouse as a means of preserving the overall well-being of the land.	
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	64	221.0000.00	Tribal Interests	In summary, while horses are deeply ingrained in the cultural and historical fabric of many indigenous communities, sage grouse are valued for their role in maintaining the ecological balance of the natural environment. Indigenous peoples in the US generally attribute the decline in sage grouse populations to unregulated livestock grazing leading to overgrazing of rangelands. The resulting habitat degradation, alterations in vegetation structure, and soil erosion are seen as detrimental to the sagebrush ecosystem and the habitat of sage grouse. While acknowledging potential variations in perspectives among diverse indigenous communities, there is a prevalent emphasis on advocating for sustainable land management practices and initiatives to mitigate the impacts of livestock grazing on sagebrush ecosystems as crucial measures for conserving sage grouse populations.	

Project Name	Comment Period Name	Last Name	First Name	Organization Name	Letter #	Comment Number	Comment Code Number	Comment Code Name	Comment Text	Response Text
DOI-BLM-WO-2300-2022-0001-RMP-EIS (2021 Greater Sage-grouse Land Use Plan Amendments	Comment period for 'GRSG_DEIS_Vol1_508' with start date Fri Mar 15, 2024	Oregon Wild Horse Organization	N/A	Oregon Wild Horse Organization	936	65	190.0411.00	Wild Horse and Burro Management	Indigenous tribal members support wild horses on public lands. The EIS states the normal process was followed of government-government consultation on this proposed amendment. Unlike Americans getting to provide input on a government plan tribal members do not get afforded such a process when their governments respond to plans such as this. OWHO, earlier this year responded to a situation where Nevada Wildlife commissioners decided to add their name to a letter urging BLM Director Stone-Manning to remove 75% of the wild horses and burros in the state of NV. We collected signatures for only 10 days and collected signatures of members from 45 tribes in US boundaries and 3 outside. The letter encouraged the Director to remove livestock instead of wild horses. (See Attachment 8) At this time, we cannot support any alternative, to amend the GRSG plan, in this EIS. Every alternative presented would have an impact to wild horses. The least impactful of which is alternative 1. However, because we advocate for AMLs to be evaluated and set using scientific data as opposed to the current AMLs which were set for administrative convenience. Until these AMLs are adjusted to follow recommendations made by the NAS we do not support managing wild horses at current AMLs. That could further impact the genetic diversity of the herds, which are already showing significant negative impacts. This EIS combines impacts of the wild horses and burros in almost every instance where negative impacts are assigned to livestock, and we have shown that these are not accurate and in some instances are false, some may even constitute fraud. This EIS gave no alternative that does not impact wild horses and that should have been analyzed as well (similar to a "no action" alternative) which is required pursuant to NEPA.	

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Re 2021 Greater Sage-grouse Land Use Plan Amendments Draft Environmental Impact Statement, Project No. DOI-BLM-WO-2300-2022-0001-RMP-EIS

Submitted via ePlanning
June 13, 2024

Dear Ms. Deibert and the Planning Team,

Please accept these comments from Wild Montana on the 2021 Greater Sage-grouse Land Use Plan Amendments, Draft Environmental Impact Statement (DEIS or Draft Plan). We commend the agency's continued efforts to protect, maintain, and enhance critical sagebrush habitat necessary for the survival of the Greater Sage-grouse (GRSG) and countless other species of the Northern Great Plains. This latest iteration of the decades of protective efforts - in conjunction with the BLM and DOI's many other regulatory actions to bring balance to public land and resource management, fully embracing its multiple use and sustained yield mandates by explicitly bringing recreation, conservation, and renewable energy development to a level playing field with the agencies' traditional prioritization of fossil fuel development and grazing - will hopefully reverse the decline in GRSG populations and halt the destruction and degradation of habitat that has plagued every effort since the 1960s.

GRSG are an iconic species of the American West and a strong symbol of Western identities across the sagebrush sea. These birds represent hundreds of years of deep relationships with the land. Many Indigenous tribes of the Great Plains and Great Basin center the GRSG in cultural practices, including the iconic and sacred Chicken Dance, also called the Men's Fancy Dance. The survival of the GRSG is of tremendous public interest. The BLM shoulders a substantial responsibility to protect the sagebrush habitat these birds rely on. The BLM must use this planning opportunity to aggressively tackle the alarming disappearance of sagebrush country and the truly staggering decline in grouse populations over the last few decades.

We do not believe that the BLM's preferred alternative, alternative 5, is sufficiently protective of GRSG, and we urge the agency to strengthen it as it completes a final EIS and RMPAs/RODs.

Given recent declines in GRSG populations, there is limited justification for supporting measures that are weaker than those presented in the 2015 plans. If there are too many concessions to reduce protections, this plan will almost certainly be litigated, and this effort to provide effective and durable protection for the species will have been a failure.

The primary goal of this planning process should be to manage BLM lands for intact landscapes for GRSG across the range. Habitat fragmentation due to development and associated infrastructure can create vectors for invasive species spread as well as anthropogenic wildfire ignition sources, exacerbating this threat. The problems of fire and invasive species are best addressed through a preventative approach, i.e. maintaining intact landscapes and native vegetation. Maintaining intact landscapes represents a simple and cost-effective approach to ameliorating these threats and preserving GRSG populations.[1] Given the greater challenges and expense involved in restoring native sage habitat, protecting the most valuable intact remaining areas is simply common sense.

Wild Montana recommends that the BLM adopt a variety of management approaches from across the alternatives analyzed. We also recommend additional changes and improvements to ensure that the plan will successfully protect the remaining intact habitat and stop or reverse the GRSG population declines, avoiding the need for an Endangered Species Act (ESA) listing.

Our comments are organized into the following sections:

I. Organizational background and interests.
II. BLM should retain the special designation of the HiLine Sagebrush Focal Area
III. BLM should utilize its obligation and responsibility to designate Areas of Critical Environmental Concern.
    A. BLM should designate the South Valley Phillips GRSG Habitat ACEC.
    B. BLM should designate the Carter-Crook GRSG Connectivity ACEC.
    C. BLM should manage the South Valley-Philips and Carter-Crook ACECs with the strongest protective measures possible.

[1] See J. W. Connelly, S. T. Knick, M. A. Schroeder, and S. J. Stiver, Conservation assessment of greater sage-grouse and sagebrush habitats (unpublished report) (Cheynne, WY: Western Association of Fish and Wildlife Agencies, 2004); T. B. Cross, M. K. Schwartz, D. E. Naugle, B. C. Fedy, J. R. Row, and S. J. Oyler-McCance, "The genetic network of greater sage-grouse: Range-wide identification of keystone hubs of connectivity," Ecology and Evolution 8(11) (2018); 5394-5412; S. J. Oyler-McCance, T. B. Cross, J. R. Row, M. K. Schwartz, D. E. Naugle, J. A. Fike, K. Winiarski, and B. C. Fedy, "New strategies for characterizing genetic structure in wide-ranging, continuously distributed species: A Greater Sage-grouse case study," PLoS ONE 17(9) (2022): e0274189, https://doi.org/10.1371/journal.pone.0274189; Shawna J. Zimmerman, Cameron L. Aldridge, Michael S. O'Donnell, David R. Edmunds, Peter S. Coates, Brian G. Prochazka, Jennifer A. Fike, Todd B. Cross, Bradley C. Fedy, and Sara J. Oyler-McCance, "A genetic warning system for a hierarchically structured wildlife monitoring framework," Ecological Applications 33(3) (2023): e2787, https://doi.org/10.1002/eap.2787.

IV. IV. The BLM should manage oil and gas development to avoid impacts to GRSG to the maximum extent possible.
V. BLM should prohibit oil and gas leasing within the Missouri Headwaters Southwest Montana Restoration Landscape.
VI. Conclusion.

I. Organizational Background and Interests.

Since 1958, Wild Montana has been uniting and mobilizing people across Montana, creating and growing a conservation movement around a shared love of wild public lands and waters. We work at the local level, building trust, fostering collaboration, and forging agreements for protecting the wild, enhancing public land access, and helping communities thrive. Wield Montana routinely engages in public land-use planning processes and local projects such as habitat restoration and timber harvest proposals, recreation infrastructure planning, oil and gas lease sales, and land acquisitions like this proposal. Wild Montana and our more than 3,500 members are invested in the ecological integrity of and quite recreation opportunities on public lands across Montana.

Wild Montana has actively participated in a wide range of BLM planning efforts and projects over the decades, including revisions of and amendments to RMPs in all Montana field offices, recreation plans, travel plans, land acquisitions, and fluid mineral lease sales. Wild Montana staff and members hunt, fish, and recreate in Montana's sagebrush country, and value their intrinsic characteristics of biodiversity, to act as carbon sinks, and ecological intactness.

II. BLM Should Retain the Special Designation of the HiLine Sagebrush Focal Area.

We are concerned that by removing the Sagebrush Focal Area (SFA) designations in favor of Priority Habitat Management Area (PHMA) designations, the plan will undermine one of the important reasons that the GRSG has not previously warranted listing under the ESA.

SFAs are "areas identified by the USFWS that represent recognized 'strongholds' for Greater GRSG that have been noted and referenced as having the highest densities of Greater GRSG and other criteria important for the persistence of the species."[2] SFAs traditionally receive the

[2] GRSG DEIS, pg. 3.7, Glossary-7.

highest levels of protection and are the most restrictive regarding allowed industrial activities because they have been identified as "a subset of priority habitat most vital to the species persistence within which we recommend the strongest levels of protection."[3] Critically, SFAs as an entire category are set to be administratively withdrawn from mineral entry under the 1872 General Mining Law.

PHMAs would not be subject to withdrawal except under Alternative 3. Because PHMAs are less specific and restrictive management designs than SFAs, PHMA management in the other alternatives contains more opportunities to allow industrial activities and development. Several alternatives propose that PHMAs are managed to avoid the negative impacts of harmful activities rather than excluding them altogether, and they contain a range of waivers, exceptions and modifications (WEMs), making them susceptible to the kinds of activities that undermine protective efforts in "highest priority" areas with the "highest value habitat."[4]

The No Action Alternative would retain most SFAs, whereas other alternatives emphasize eliminating SFAs or managing those landscapes as PHMAs. PHMAs provide important protections, but we support implementing a three-tiered approach of GHMA, PHMA, and the "best of the best" to ensure the BLM meaningfully protects the most important areas for GRSG conservation while allowing other important uses of BLM-managed lands in less sensitive areas, and so meet the agency's multiple-use obligations.

The 2015 Plan set in motion a regulatory withdrawal of SFAs from GMA entry. The BLM issued a Notice of Intent to reinitiate that process in 2021[5] but has not taken any steps since the August 2021 announcement to begin the environmental analysis that was cut short by a 2019 court decision. The current expectation is that draft National Environmental Policy Act (NEPA) documents for the withdrawal will be available in fall 2024. The alternatives in this DEIS discuss the agency's intent to pursue that process, but there is a lack of consistency and clarity. In the alternatives that do not carry forward or significantly reduce SFA protections in favor of PHMA management, the BLM still refers to pursuing this mineral withdrawal for the SFAs.

In its 2015 finding, the FWS clearly expected that the process of withdrawing SFAs from mineral location and entry under the Mining Act of 1872 would be completed, concluding that "the long-term protection of the GRSG habitat in the SFAs from locatable mineral development will

[3] *Greater Sage Grouse Habitat Implementation Guide*, Vol. 1, US Dept. of Agriculture, US Forest Service (2016), pg. 4.
[4] *Id.* at pg. 5.5
[5] 86 FR 44742, Aug. 13, 2021.

ensure that these important populations are conserved into the future."[6] In 2020, a court order was issued against the Department of the Interior's decision to cancel the withdrawal of SFAs from mineral location and entry, holding that "[t]he record is clear that the FWS did rely on the proposed withdrawal in making its 2015 finding that the listing of the sage grouse as a threatened or endangered species 'is not warranted at this time.'"[7]

Today, over eight years after the FWS relied on the withdrawal of SFAs from mineral location and entry for its not warranted finding, the withdrawal process has still not been completed. The draft EIS is virtually silent on the issue of locatable mineral management, aside from acknowledging that the Upper Missouri River Breaks National Monument is already withdrawn.[8]

It is unclear if the BLM intends to include previous SFAs from older plans in the withdrawal analysis even if their status is changed to PHMA in the final GRSG plan. The lack of clarity and consistency between these two intertwined processes makes it impossible to understand the fate of SFAs considered in the mineral withdrawal process but not proposed for continued designation in the DEIS.

Wild Montana recommends retaining SFA status for the HiLine in its final plan and expediently proceeding with the administrative mineral withdrawal process. The HiLine SFA is the "best of the best" and warrants the highest level of protection possible, including a recommendation for mineral withdrawal. The area encompassing the HiLine SFA has been identified as the "HiLine Sagebrush Anchor" restoration landscape, receiving over $6.7 million in federal investment from the Inflation Reduction Act to support GRSG habitat improvements. This area represents some of the largest intact grasslands left in North America, supporting not only GRSG but a suite of other species. Keeping this area intact should be of the highest priority. It would be illogical to allow new disturbance activities in an area that has been found to have uniquely irreplaceable values and which has been the focus of significant federal investment in habitat restoration. The final plan should manage this SFA specifically to protect grouse habitat with very limited access by industrial and other harmful activities and no WEMs, or exceptions to the strict parameters for access.

If, however, the BLM chooses an alternative in its final plan that eliminates SFA designations, it should clarify whether areas previously managed as SFAs at the start of the mineral withdrawal

[6] 12-Month Finding on a Petition To List Greater Sage-Grouse (Centrocercus urophasianus) as an Endangered or Threatened Species, 80 Fed. Reg. at 59916.
[7] Western Watersheds Project v. Bernhardt, at Memorandum Decision and Order (Dckt. No. 264), No. 1:16-CV-83-BLW (D. Idaho 2021).
[8] Draft EIS, 2-16.

process in 2015 are still eligible for such withdrawal and will be analyzed as such, regardless of final designation in this newest GRSG final plan.

III. BLM should utilize its obligation and responsibility to designate Areas of Critical Environmental Concern.

Wild Montana strongly suggests that the BLM use this planning process to designate ACECs following its statutory obligations and the recently finalized Public Lands Rule. The BLM's authority granted under FLPMA and the newly released Public Lands rule not only direct the agency to prioritize designation of ACECs, but also require the agency to manage areas as such if they meet relevance and importance (R&I) criteria. Because the South Valley Philips and Carter Crook ACECs are found to meet the criteria, the BLM is required to designate them unless the agency can affirmatively prove that special management is unwarranted to protect the unique values of the areas.

FLPMA: The Federal Land Policy and Management Act (FLPMA) is considered the modern BLM's organic act. Congress's passage of the bill in 1976 created a unified, clear directive for the BLM, an agency created by merging two related agencies - the General Land Office and the US Grazing Service - with similar but distinct statutory missions toward public domain management. FLPMA repealed the Homestead Act[9] and unified the agency's mission to retain public lands in public hands and manage these lands for multiple uses[10] and sustained yield[11] of those various uses without unnecessary or undue degradation .[12]

As part of that multiple-use mission, Congress directed the BLM to prioritize the designation and protective management of ACECs in its resource management planning, a task available to no other federal agency. ACECs are specific units of public land with specific natural features that warrant specified management to protect their R&I to the surrounding areas. While field offices have designated numerous ACECs over the years, the BLM never gave unified regulatory, policy, or other guidance for how best to identify, nominate (including community nominations), analyze, designate, manage, and where necessary, delist an ACEC in planning processes. This lack of guidance led to a wide range of practices across the country, culminating in the

[9] National Archives, *Milestone Documents: Homestead Act of 1862* (June 7, 2022), *available at* https://www.archives.gov/milestone-documents/homestead-act

[10] 43 USC § 1702(c), *see also* Norton v. Southern Utah Wilderness Alliance, 542 US 55, 58 (2004).

[11] § 1702(h).

[12] § 1732(b), 43 CFR § 3809.5, *see also* South Fork Band Council v. US Dept. of Interior, 588 F. 3d 718, 723 (9th Cir. 2009).

wholesale delisting of numerous ACECs across Montana and Alaska in 2019, 2020, and 2021 with little to no adequate analysis.[13]

Public Lands Rule: On April 18, 2024, the BLM released its final Public Lands Rule to "help guide the balanced management of America's public lands."[14] Among many other new tools to "navigate changing conditions on the ground" and ensure conservation as a multiple use is considered with equal weight to the agency's traditional deference to fossil fuel development and grazing, the Rule contains clear guidance for designation, management, and delisting of ACECs.

The Rule presumes that any nominated or identified unit that meets the statutory R&I criteria requires special protective management and designation as an ACEC *unless* the BLM's thorough analysis determines otherwise: the Rule presumes ACEC designation unless the responsible officer affirmatively determines designation is not warranted.[15] That means unless a planning effort did not receive any valid ACEC nominations, a planning process will result in the designation of an area that warrants special management unless the responsible officer determines special management is not needed to protect the resources.

The final rule was unavailable to the agency when preparing this draft GRSG plan. However, it will be effective when a final EIS is released. The BLM must ensure its analysis and designation of ACECs in a final GRSG plan comply with the provisions of the Public Lands Rule, which requires the BLM to designate relevant and important ACECs, which are not currently considered in its preferred alternative.

A. BLM should designate the South Valley-Phillips GRSG Habitat ACEC.

In the summer of 2023, Wild Montana submitted a nomination for the Proposed Area of Critical Environmental Concern North of the Charles M. Russell National Wildlife Refuge.[16] The DEIS analysis found that the area had "more than local significance and special worth, consequence, meaning, distinctiveness, or cause for concern" and that those values are present primarily in portions of the nomination which overlap with the BLM-developed South Valley-Phillips proposed ACEC.

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[13] Lewistown Amended Resource Management Plan Record of Decision (Jan. 2021), Missoula ARMP ROD (Jan. 2021), and Bering Sea-Western Interior AMRP ROD (Jan. 2021).. Wild Montana's comments and protests on the Lewistown and Missoula plans available upon request.

[14] 89 FR 40308.

[15] Section 1610.7-2(j).

[16] Our submitted nomination is attached to these comments as Appendix A and incorporated by reference.

As we note in our nomination:

> [t]he proposed ACEC abuts the Glaciated Prairie Sage-steppe Important Bird Area (IBA). This IBA encompasses an extensive expanse of largely unbroken sagebrush-steppe and prairie grassland in north central Montana, bounded by the Charles M. Russell National Wildlife Refuge and the Milk River. Land ownership of the IBA is primarily Bureau of Land Management and private agricultural lands, mixed with small amounts of state, other federal, and Nature Conservancy ownerships.
> The IBA was designated because of its importance to breeding Greater Sage-grouse. In particular, the IBA supports the most significant population of Greater Sage-grouse in the region, with more than 3,600 displaying males surveyed (16.7% of the males surveyed in the state), and includes at least 89 known lek sites (9.6% of the known lek sites in the state). It also includes wintering habitat for a remnant population segment of Greater Sage-grouse that breed in Saskatchewan, where the species is listed as endangered. This is not only an impressive proportion of Montana's Greater Sage-grouse population, but it is also a globally significant number of leks and males (National Audubon Society 2008). The Greater Sage-grouse, while narrowly avoiding federal listing under the Endangered Species Act due to extensive federal Land Use Plan amendments in 2015, continues to face broad population declines due in large part to the continued degradation of critical Sagebrush habitat, despite the Land Use Plan revisions. Investing in dwindling high-quality habitat and restoring sagebrush systems where possible is necessary for mitigating those population declines. ACEC designation would provide an additional administrative management tool for shoring up these conservation and restoration efforts.

The South Valley-Phillips proposed ACEC meets the R&I criteria for ACEC designation. This area is particularly important to the unique GRSG populations of northeast Montana and their survival, including through the facilitation of genetic diversity through connections with Canadian grouse populations.

The DEIS acknowledges that the ACEC is worth consideration in "at least one alternative" and considers its designation in Alternatives 3 and 6. However, the new direction of the Public Lands rule presumes that qualified nominations require special management. The final EIS will need to shift its perspective, presuming ACEC special management for the area and presenting a robust analysis of why it would *not* warrant designation and management should the BLM not designate the ACEC. Wild Montana urges the BLM to conduct this analysis as it prepares its final DEIS and believes that given the determination that the area meets R&I, this area should move

forward to be designated. Special management prescriptions should follow the parameters set out in Wild Montana's nomination and as listed in Section III.C of these comments.[17]

B. BLM should designate the Carter-Crook GRSG Connectivity ACEC.

The second internal ACEC nomination in Montana is the Carter-Crook GRSG Connectivity ACEC in southeast Montana and northeast Wyoming. We strongly recommend the agency adopt its nomination of the Carter-Crook ACEC from Alternative 3 in its final plan.

This corridor area, while in a sparsely human-populated geography, is part of a wider geography with tremendous disturbance and fragmentation from grazing, fossil fuel development, and associated roads and infrastructure.[18] Habitat fragmentation and degradation are not existential threats to GRSG across the West: development and infrastructure are actively harming GRSG across the West, hence the need for this plan amendment. With specific management to exclude activities that threaten grouse and sagebrush habitat, the designation of this ACEC would prevent fragmentation and isolation that strain bird populations.

The BLM notes that the Carter-Crook area provides a key genetic corridor between the northern and southern populations of GRSG in Zone 1. Genetic diversity and strong linkages between populations increase the resiliency of any biological population. This species biodiversity is essential for the survival of the GRSG writ-large and particularly important for these two populations in Zone 1. These populations would become isolated without proactive measures to maintain this linkage area. Their habitat range would be fragmented, and the birds would lose access to genetic diversity through breeding across the region, weakening these populations, and increasing their susceptibility to stressors. These particular birds in this particular region will undoubtedly continue to decline if special management is not afforded to the Carter-Crook area.

A unique threat to GRSG and sagebrush habitat in this area is bentonite mining. Bentonite is an important mineral element used in a wide range of uses, from commercial construction to cat litter. The majority of the bentonite in the United States is produced in Wyoming, including

[17] Appx. A, pg. 9.
[18] Intermountain Oil and Gas BMP Project, *Montana County and Municiple Law*, https://www.oilandgasbmps.org/laws/montana_localgovt_law.php. *See also* The Wilderness Society, et. al., Comments on the Montana/Dakotas Bureau of Land Management Quarter One 2022 Oil and Gas Lease Sale Draft Environmental Assessment (DOI-BLM-MT-0000-2021-0006-EA), pg. 24, submitted to the Montana Dakotas State Office via ePlanning on Dec. 8, 2021 and attached to these comments as Appendix B.

active mines in northeast Wyoming north of Gillette to the Montana border.[19] In fact, the world's largest deposits of bentonite are in Wyoming. The proposed ACEC does not appear to have any active claims or mines within its boundaries on the Wyoming side, but there may be recoverable deposits in this critical habitat area. While bentonite is a useful mineral used in many applications, it is not considered a critical mineral.[20] Nonetheless, its ubiquity in modern society means it is in high demand, and the market is expected to continue to grow.[21] The negative impacts of bentonite mining on GRSG in northeast Wyoming are well documented.[22] It is not unreasonable to consider bentonite mining - which can only be done in open pit mines with significant truck traffic and other heavy machinery - an existential threat to GRSG in the Carter-Crook area because it is a current threat to GRSG in adjacent areas of Wyoming with active mines.

Many flora and fauna of Northern Great Plains - of whose health the GRSG are an indicator species of - are also particularly vulnerable to the detrimental effects of climate change because these areas, already hot and dry in the summer, will become only increasingly stressed with prolonged droughts and higher temperatures we are already experiencing[23] and projected to become more extreme over the coming decades.[24]

Similar to the DEIS's analysis of the South Valley-Philips ACEC, the analysis of the Carter-Crook ACEC finds that the area meets the standards for R&I. The Public Lands Rule presumes this area is worthy of special management as an identified, qualified potential new ACEC. The final EIS must designate the ACEC unless a clear, thorough, and thoughtful analysis determines this important connectivity corridor is sufficiently protected without special management. Given the importance of the area described above and in the DEIS, Wild Montana strongly recommends the agency designate the ACEC as provided in Alternative 3 and 6.

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[19] Wyoming Mining Association, *Bentonite* (2024) *available at* https://www.wyomingmining.org/minerals/bentonite/.

[20] 30 U.S.C. § 1606(a)(2). Notice of Final Determination on 2023 DOE Critical Materials List, 88 FR 51792.

[21] Bentonite Clay Market to Reach US$ 2.5 Billion by 2030, Fueled by Rising Demand in Drilling, Construction, and Wastewater Treatment | According to RationalStat, Globe News Wire, Nov. 27, 2023, *available at* https://www.globenewswire.com/en/news-release/2023/11/27/2786005/0/en/Bentonite-Clay-Market-to-Reach-US-2-5-Billion-by-2030-Fueled-by-Rising-Demand-in-Drilling-Construction-and-Wastewater-Treatment-According-to-RationalStat.html

[22] Pratt, A. C., and J. L. Beck, Greater sage-grouse response to bentonite mining, J. of Wildlife Mgmt, Vol. 83 Issue 4 (May 2019), 866-878.

[23] King, K. E., Cook, E. R., Anchukaitis, K. J., Cook, B. I., Smerdon, J. E., Seager, R., Harley, G. L., & Spei, B., *Increasing prevalence of hot drought across western North America since the 16th century*, Science Advances, Vol. 10, Issue 4 (2024).

[24] Nicole Gertin, *Climate change impacts could lead to more sever droughts in Montana*, The Daily Montanan DEC 21, *available at* https://dailymontanan.com/2023/12/21/climate-change-impacts-could-lead-to-more-severe-drought-in-montana/

C. BLM should manage the South Valley-Philips and Carter-Crook ACECs with the strongest protective measures possible.

By definition in the new Public Lands Rule, ACECs are unique and susceptible to resource damage without BLM proactively applying protective measures. Other than meeting the threshold requirements for designation, there are no categorial requirements for specific management actions or prohibitions in all ACECs. ACECs are locally unique and locally relevant areas. Each ACEC requires unique, tailored management paradigms to best protect its values. This fundamental flexibility is a defining feature of this important conservation tool only the BLM is empowered to use.

South Valley-Philips and Carter-Crook are very different landscapes that will require some localized practices to protect the sagebrush habitat in these areas. The one thing that unites them in this planning process is their critical and unique sagebrush habitat connectivity between what would otherwise be isolated grouse populations. Without a doubt, infrastructure development leading to habitat fragmentation and degradation is the uniting threat to Sage-grouse across the West and certainly across the expanse of eastern Montana.

Taken together, the South Valley-Philips and Carter-Crook ACECs cover a mere .01% of land affected by this planning effort. If the agency does not decide to retain the HiLine SFA with its strong management across a much larger area, these two landscapes become even more important to sagebrush habitat integrity in Montana. Applying higher, more restrictive management to the two specific, identifiable areas the agency has determined to meet the R&I criteria for ACEC designation will be essential to GRSG population stabilization if the rest of the final plan is less stringent. To be clear, Wild Montana is not proposing an “either/or” trade-off between ACECs and SFAs: these two designations can and should exist together in the same plan, but if the agency determines the HiLine SFA is no longer warranted in the final plan, it is essential that the BLM designate these two ACECs in compliance with the Public Lands Rule.

As such, Wild Montana emphasizes the importance of strengthening the management provisions of this habitat that is the “best of the best” to ensure the BLM meaningfully protects the most important areas for GRSG conservation while allowing other important uses of BLM-managed lands in less sensitive areas, and so meet the agency’s multiple-use obligations.

To protect the relevant and important values of these highly targeted areas, Wild Montana proposes the following special management prescriptions as a baseline for the Carter-Crook and

South Valley-Philips ACECs, and encourages the BLM to adopt site-specific prescriptions for each ACEC as needed to protect the local values of each ACEC:

- Designate as ROW exclusion areas, including prohibiting renewable energy generation sites and transmission lines;
- Recommend withdrawal from mineral entry;
- Close to leasing or allow leasing only with no surface occupancy with no exceptions, waivers, or modifications;
- When the primary term for existing leases ends, do not allow lease extensions;
- When reviewing new applications for permits to drill (or APD extensions) on existing leases, condition approval upon both lease terms and ACEC management direction;
- Close to the construction of new roads;
- Designate as seasonally closed to motor vehicle use, limited to motor vehicle use on designated routes, or limited to mechanized use on designated routes;
- Close to mineral material sales;
- Designate as Visual Resource Management Class I or II;
- Restrict construction of new structures and facilities unrelated to the preservation of GRSG and not necessary for the management of uses allowed under the land use plan; and
- Retain public lands in federal ownership.

IV. The BLM should manage oil and gas development to avoid impacts to GRSG to the maximum extent possible.

Disturbance from oil and gas development is a primary threat to GRSG. The 2015 RMPAs included provisions and stipulations designed to minimize the impacts of oil and gas development on GRSG and its habitat, but these measures have not been implemented with consistency. Not only does the construction of oil and gas wells impact GRSG habitat, but associated infrastructure such as roads and pipelines further fragment and degrade habitat which allows for the spread of invasive annual grasses, which in turn alter fire cycles, and have led to staggering loss of GRSG habitat across the range. Infrastructure also creates opportunities for predators, both native predators and novel predators, to access GRSG habitat.

In areas identified as PHMA, protections against this known threat should be strengthened. NSO stipulations to oil and gas should be applied in PHMA across the range and WEMs for oil and gas should not be permitted in PHMA at all, but only in GHMA. Failing that, the use of WEMs in PHMA should be avoided to the maximum extent possible. We furthermore believe that the

challenges of a consistent and thorough application of compensatory mitigation requirements stacked on top of the challenges of a consistent and thorough application of WEM requirements introduces a high degree of risk. It seems likely that BLM field staff – through no fault of their own – will be unable to consistently and reliably meet their obligations under the revised GRSG RMPAs and issues will fail to be identified and addressed, to the detriment of GRSG populations. Given this risk, we recommend that at a minimum, the final EIS and RMPAs/RODs not authorize the use of compensatory mitigation in order to justify WEMs in PHMA.

In addition, we recommend that any WEM authorizations included in the final EIS and RMPAs/RODs require the concurrence of the BLM State Director and applicable state wildlife agency. This approach would strengthen the consistency of the BLM's application of WEMs and ensure that WEMs are handled at the appropriate high level within the agency, reflecting their significance as departures from the land management practices adopted through the RMPA process.

Another key component of reducing the risk to GRSG posed by oil and gas development is implementing a consistent prioritization strategy. The 2015 RMPAs required the BLM to prioritize new oil and gas leasing outside of PHMA and GHMA in order to protect that habitat from future disturbance. In 2018, the BLM reinterpreted its prioritization directive in Instruction Memorandum 2018-026—a policy that a court later struck down.[25] The BLM has not adopted new national guidance on the prioritization requirement and has represented to the Montana court that the agency's previous prioritization guidance (adopted in 2016) also is not in effect. As a result, there is currently no national guidance providing direction on how prioritization is to be applied. At present, the BLM must comply with the prioritization requirement of the 2015 RMPAs when considering leasing parcels in PHMA and/or GHMA, and Wild Montana has advocated for the BLM to defer leasing all parcels containing PHMA and/or GHMA at least until new national guidance is issued. In the current planning process, the BLM should include a prioritization objective similar to the 2015 RMPAs.

The BLM should adopt a coherent prioritization that the agency can apply universally across field offices within identified GRSG PHMA and GHMA. In addition, appropriate prioritization guidance would be consistent with the BLM's newly issued rule on onshore oil and gas development, which specifies that when offering lands for lease, the BLM must consider "[t]he presence of important fish and wildlife habitats or connectivity areas, giving preference to lands that would not impair the proper functioning of such habitats or corridors."[26]

[25] Montana Wildlife Federation v. Bernhardt, No. 18-cv-69-GF-BMM, 2020 WL 2615631 (D. Mont. May 22, 2020). This policy stated that prioritization would apply only where a "backlog" of leasing requests exists.
[26] Fluid Mineral Leases and Leasing Process, 89 Fed. Reg. 30916, 30986 (April 23, 2024).

We recommend that the BLM adopt the prioritization language proposed in Alternative 3, which states: "If possible, place [oil and gas] development outside of PHMA (and IHMA)."[27]

Additional approaches that the BLM should consider include the following:

- Look for opportunities to modify parcel boundaries to remove PHMA and GHMA before including them in lease sales;
- Take into account the availability of other parcels for lease in all field offices;
- If parcels are within identified PHMA and have low or moderate potential for oil and gas, they should not be included in a lease sale;
- If parcels are within identified PHMA and have high potential for oil and gas, are not in proximity to existing disturbance and/or require additional infrastructure to be developed, there should be a strong presumption against including them in a lease sale, especially if there are other parcels that do not have PHMA and do not have other high-priority resource conflicts;
- If parcels within identified PHMA or GHMA have high potential for oil and gas and are in close proximity to existing disturbance and infrastructure and/or are already within an existing oil and gas unit that has been analyzed in an EIS, then they may be considered for leasing;
- Parcels outside PHMA should be considered for leasing prior to parcels in PHMA;
- Parcels outside GHMA should be considered for leasing prior to parcels in GHMA; and
- For parcels in PHMA or GHMA that are included in lease sales, there should be an evaluation of other conditions of approval that will limit any new infrastructure or other stressors on GRSG.

Prioritizing appropriate lands outside of GRSG habitat for oil and gas development is the best way to ensure the BLM achieves the goal of conserving GRSG and also maintains the production of oil and gas (and other essential minerals and energy resources). This is the essence of multiple-use management.

IV. BLM should prohibit oil and gas leasing within the Missouri Headwaters Southwest Montana Restoration Landscape.

Southwest Montana is of particular interest to Wild Montana and we stress its importance for not just GRSG but a wide range of ecological values. The valleys of the Beaverhead and Big Hole rivers, along with Centennial Valley, contain a wealth of fish, wildlife, wilderness, recreation, and

[27] Draft EIS, 2-41.

cultural resources, all of which depend upon the health and well-being of the sagebrush ecosystem.[28]

This corner of the state is the subject of much attention, not just from conservation, hunting/angling, and agricultural organizations but from the federal government itself. In 2023, the BLM identified the Missouri Headwaters - contained mostly in the Dillon Field Office's jurisdiction - as one of its 21 priority national restoration landscape areas to receive funding from the Inflation Reduction Act. This "stronghold for wildlife that have disappeared from much of their historic range" (including but not limited to GRSG, grizzly bears, and whitebark pine) received the largest share of the money allocated for Montana for a "once-in-a-generation opportunity for transformational, durable, ecosystem restoration."[29]

Acting in conjunction with BLM-identified restoration landscape, the US Fish and Wildlife Service is analyzing the establishment of the Missouri Headwaters Conservation Area,[30] which would allocate several million dollars to allow the federal government "to use Land and Water Conservation Fund dollars to conserve private working lands in partnership with willing landowners through conservation easements."[31]

Finally, the BLM has specifically identified southwest Montana and northeast Idaho - together known as the High Divide - as one of five "Sagebrush Collaborative Restoration Landscapes [SCRLs] across the sagebrush ecosystem for long-term strategic investments to defend and grow sagebrush core habitat. Collectively, these landscapes include about a third of all remaining sagebrush core habitat according to the range-wide analysis..."[32] Unsurprisingly, this restoration landscape includes the Montana areas identified as the IRA restoration landscape and the Missouri Headwaters Conservation Area: "This landscape includes portions of four BLM Restoration Landscapes and over 6.4 million acres of 'Core Sagebrush' and 'Growth Opportunity' Areas." The BLM has already identified southwest Montana as a critical area not

[28] Our comments submitted on February 7, 2022 during this project's scoping period, discussing in detail the importance of the High Divide and the lack of recoverable fluid mineral resources are incorporated by reference and attached as Appendix C.

[29] *Restoring public lands across Montana, North Dakota and South Dakota*, Bureau of Land Management, *available at* https://www.blm.gov/montana-dakotas-restoration.

[30] *Proposed Establishment of the Missouri Headwaters Conservation Area*, US Fish and Wildlife Service, *available at* https://www.fws.gov/project/proposed-missouri-headwaters-conservation-area.

[31] On November 27 2023, Wild Montana joined six other partners to submit a letter to the USFWS during its public comment period in support of the area's establishment. That letter is incorporated by reference here and attached as Appendix D.

[32] Whipple, A.L., Wiechman, L.A., Hasson, T.Y., Deibert, P.A., Doherty, K., Gollnick, K.A., Kales, M., Makarick, L., Pollet, J.M., Quamen, F.R., Rodhouse, T.J., and Swartz, K., 2024, Sagebrush Collaborative Restoration Landscapes to Support Management Efforts Improving Fire Resiliency and Restoration in the Sagebrush Biome: U.S. Geological Survey data release, https://doi.org/10.5066/P13S6KW7.

just for sagebrush conservation, but to reverse the trend of habitat loss and actively restore habitat.

Furthermore, this area is rich in natural biodiversity and intact working lands but lacks fossil fuel resources. Nonetheless, the 2006 Dillion Resource Management Plan[33] determined that 92% of its mineral estate is suitable for oil and gas leasing. Eighty-six percent of this estate has low or very low potential for commercial development. A former geology professor at the University of Montana-Western asserted "with a high degree of confidence that the potential of finding and developing economic quantities of oil and natural gas at this location is so remote as to be negligible."[34] In fact, no commercial well has ever been drilled in the area, and not a single acre has been leased since 2009.

BLM's priority restoration landscape into which it is investing millions of dollars of taxpayer money and the USFWS's Conservation Area are not appropriate places for oil and gas leasing. Fossil fuel development in this area is entirely speculative but any managerial decision to allow leasing however unlikely is completely contradictory to its heavy investment of taxpayer dollars and agency hours to protect and restore this remarkable landscape.

We appreciate the agency's response to the comment we raised in scoping asking for this landscape to be closed to leasing in this GRSG plan, but we disagree with its determination that such a decision here is out of the scope of this planning effort. There are numerous examples throughout the DEIS of proposals to close PHMA and ACECs to fluid minerals leasing precisely because of the well-documented detrimental effect oil and gas endeavors have on sagebrush country and on the grouse themselves. Determining to close a specific geographic landscape with incredibly high sagebrush habitat values already prioritized by three other federal endeavors - as well as a range of other conservation values that the Public Lands Rule now clearly mandates the agency to thoroughly consider - is akin to closing a geographic ACEC.

We continue to encourage the BLM to close PHMA within this Restoration Area to any and all mineral entry, including fluid minerals leasing, in the final plan. The Dillon Field Office's Restoration Landscape and Conservation area contains a significant amount of GRSG habitat, including the only priority habitat in western Montana. Comprehensive management prescriptions and enforcement that prioritize the protection of sagebrush country in this plan

[33] The Dillion Field Office recently conducted a 5-Year Evaluation of its RMP, ultimately determining it does not need to be amended or revised. Wild Montana and two other partners submitted comments on March 9, 2022 during the public comment period of this evaluation. These comments are incorporated here by reference and also attached as Appendix E.

[34] Rob Thomas, *Oil and gas on White Pine Ridge not likely*, The Missoulian (July 25, 2021), *available at* https://missoulian.com/opinion/columnists/opinion-oil-and-gas-on-white-pine-ridge-not-likely/article_032b511a-d0ce-5d9b-9678-12808609461d.html.

are the only ways to halt habitat destruction and begin to reverse the decades-long trend of grouse population declines. There is no more time to do anything less if the BLM is serious about this endeavor.

V. Conclusion.

In conclusion, Wild Montana commends the BLM's continued dedication to protecting and enhancing sagebrush ecosystems across the West. This sagebrush steppe is uniquely American, but the ongoing threats to ecosystem integrity across its range are not. However, the BLM has robust tools at its disposal to make the most of this critical opportunity to halt the habitat destruction and resulting population decline in GRSG, indicators of an imperiled landscape. If we do not seize our chance to protect this landscape once and for all, we will very likely only be able to pass down memories of the GRSG and the sagebrush sea to future generations.

Wild Montana urges the BLM to adopt our recommendations as part of its final plan. Thank you for considering our comments.

Sincerely,

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June 13, 2024

Pat Diebert
BLM National Sage-Grouse Conservation Coordinator
ATTN: HQ GRSG RMPA
440 West 220 South #500
Salt Lake City, Utah 84101

re: Notice of Availability of the Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning. BLM_HQ_FRN_MO4500174493 and DOI-BLM-WO2300-2022-0001-RMP-EIS

Dear Ms. Diebert:

The Wyoming Farm Bureau Federation (WyFB) appreciates the opportunity to provide comments on the Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement (RMPA DEIS) following our submitted comments on the Areas of Critical Environmental Concern (ACEC) in May 2024. The WyFB is a general agriculture organization proudly representing 2,500 member families involved in farming and ranching across the state. Many of these members are federal land permittees and could stand to be substantially impacted by this. We support the Bureau of Land Management (BLM) working toward a Record of Decision for Wyoming that resembles Alternative 2, or the No-Action Alternative. Yet, we recognize the agency making certain concessions in Alternative 5, or the preferred alternative, such as the Stewardship Habitat Management Areas (SHMA) that were necessary for agricultural production in the Northeastern region of Wyoming.

Land Management/Areas of Critical Environmental Concern

The preferred alternative does not have broad impacts for those grazing on federal lands in Wyoming, however, we remain concerned regarding ACEC proposals contained in Alternatives 3 and 6.

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ACECs acreage proposed in Alternatives 3 and 6 total 839,225 acres in Wyoming and 11,139,472 acres range wide, per Table 2-14 *Comparison of Alternatives, ACEC Management*.

The recent onslaught of ACEC proposals in resource management plans and agency rulemaking, among other land restrictions, under the current administration has been staggering and concerning to WyFB members. Special designations, such as ACECs, diverge from the multiple-use principles guiding the agency and should give decisionmakers pause. Our member policy emphasizes there are already an adequate number of lands with special designations on government-owned land within our state border and would encourage the agency to carefully examine the potential for designations in their Wyoming Record of Decision. The WyFB opposes the removal of the multiple-use mandates associated with said special designations. In fact, our members support the multiple-use ethos so much that it is our policy to make a concerted effort to educate non-federal lands users on its importance.

Minimal or zero surface disturbance policies typically found in Wyoming's Sage Grouse Core Areas, as well as ACECs can add unintended consequences to its habitat. Multiple peer reviewed studies suggest wildfire events, exacerbated by excess fuels from minimal management, are increasing homogenization of the landscape negatively impacting adult survival and nest survival. The fires have immediate impacts on survival and the reduction of sagebrush, a necessity for GRSG survival. Alternative 5 does speak to collaborative efforts to consider forging public and private partnerships to address challenges, but we remain cautious about exactly how that would be accomplished.

In addition to the negative impact of wildfire events on GRSG survival and habitat, invasive plant species, especially cheatgrass, have led to a decrease in plant and wildlife diversity. Invasive species

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and decreasing diversity occur alongside changes in nutrient cycling and water in the soil all stem from a lack of active land management. Cheatgrass changing the ecology of the landscape will make it more susceptible to fire events that damage important native grasses and sagebrush that are critical to the GRSG habitat and grazing lands. Therefore, ACECs proposed in alternatives 3 and 6 should not be considered by the BLM in the Record of Decision for Wyoming.

Predation

Our members also strongly support further study of the impacts of predation on Sage Grouse and support projects that evaluate predator control regarding Sage Grouse. The draft plan generally addresses predator control and its impacts on GRSG populations. Yet, it still draws a primary causal factor of population decline to surface disturbance, regardless of previous studies indicating the influence of predators on GRSG.

Table 2-11, *Comparison of Alternatives, Minimizing Threats from Predation*, is consistent with our policy regarding Alternatives 1 and 2. Alternatives 3- 6 contain additional bureaucratic steps that emphasize plans and reductions of anthropogenic influences, instead of focusing on controlling avian predators.

Adaptive Management

The proposed adaptive management in Alternatives 3-6 is concerning, and our members support the return of state specific approaches that are found in Alternatives 1 and 2 through respective Resource Management Plans (RMPs).

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In Table 2-15, *Comparison of Alternatives, Adaptive Management*, WyFB is concerned that there aren't appropriate safeguards for federal lands users with the BLM relying on the population trend adaptive management model, Targeted Annual Warning System (TAWs), for their soft and hard triggers for population declines. Alternatives 5-6 indicate that based on TAWs trigger framework could and likely will trigger project level NEPA to occur for any new activity. Adding NEPA to new projects based on a model relies too heavily on statistics, instead of on-the-ground monitoring.

Adaptive Management Reponses indicated in the same table relies on subjective terms like "obvious" when attempting to identify causal factors for a trigger. In addition, the mechanism of completing a Casual Factor Analysis (CFAs) to have new activities permitted is cumbersome and convoluted in Alternatives 3-6. Also, the BLM is unclear when mentioning CFAs must be done, but if inconclusive, the matter would be elevated to the State Office with no timeline of resolution potentially delaying important activities on federal land. Further, if grazing permits are set to expire the same year as a threshold is triggered, should grazing be deemed a causal factor, the lease renewal would need to be evaluated, modified or eliminated. It is stated at various points throughout the RMPA DEIS that livestock grazing is beneficial and often symbiotic with GRSG populations so we would appreciate more clarification on what exactly would trigger the elimination of grazing.

Additional burdens on federal lands not only impact agricultural uses, but also Wyoming's legacy industries including but not limited to oil, gas, and coal. Negative impacts to their ability for future authorized use could be strictly curtailed under the RMPA DEIS, and thus have a downstream effect on WyFB members to cost-effectively produce food and fiber.

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Specifically, regarding this increased regulatory burden on the extractive mineral industry, our members could be faced with challenges due to requirements for the mineral industry to complete compensatory mitigation measures within a proximity to the disturbance. As private property owners, our members would like the agency to be aware of the impacts of compensatory mitigation and potential changes to how they might be able to continue agricultural production should the mineral industry be required to complete these measures in certain proximity to their disturbance. Alternative 2 addresses these concerns somewhat in that compensatory mitigation would be voluntary unless required by laws other than FLPMA or by the State of Wyoming.

Summary

We would like to emphasize several items: opposition to any changes to multiple use of federal lands that may occur with increased management scrutiny, renewed research on impacts of predation to GRSG populations, and adaptive management challenges. We understand the court ruling that prompted these changes called for a more standardized approach to management across state and judicial boundaries, but we encourage the agency to tailor the Wyoming Record of Decision to fit our state's unique needs by selecting Alternative 2. Lastly, the WyFB believes that local collaboration is paramount in this process and appreciates the opportunity to provide comments on the RMPA DEIS.

Sincerely,

Kelly Carpenter
National Affairs
Wyoming Farm Bureau Federation

June 13, 2024

Sharif Branham
U.S. Department of the Interior
Bureau of Land Management
Assistant Director of Resources and Planning
1849 C Street, N.W.
Washington, D.C. 20240

Re: Geothermal Rising Comments for BLM's Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement

Dear Assistant Director Branham:

Geothermal Rising (GR) supports preferred Alternative 5 as BLM's final management action. Geothermal Rising strongly opposes Alternative 3 or Alternative 6 given those alternatives' severe effects on geothermal leasing and project development.

Geothermal Rising is a research organization, community organizer, and trade association representing the entire geothermal ecosystem, which includes geothermal heat pumps, direct-use, and power generation. *GR* serves to build and empower the geothermal industry by championing all geothermal technologies and applications. Formed in 1972, *GR* is the oldest geothermal association in the world, serving as the main professional, industry, and academic association for the geothermal community and public. Our vision is to create a brighter future for Earth and all its inhabitants, powered by the planet itself. *GR* engages with Congress, lawmakers, policymakers, legislators, and staff to reduce capital risk for the geothermal industry, cut permitting and regulatory red tape, and boost the general visibility of the industry and its supply chain. As a community of geologists, non-profits, energy professionals, engineers, drill rig operators, environmentalists, geochemists, subsurface reservoir modelers and more, *GR* represents and speaks for a united geothermal industry.

Geothermal development is key to the growing geothermal energy sector. As technology advances, geothermal prospects continue to emerge with strong potential for continued growth in Nevada, Idaho, Oregon, Utah, and New Mexico. Geothermal development in these markets is often located on federal geothermal leases, and sometimes in areas that are also home to greater sage-grouse. GR fully supports sage-grouse conservation, and believes that geothermal energy production can coexist with proper mitigation to minimize adverse effects to the species. Geothermal Rising has an interest in public land management policies that affect the siting and permitting of geothermal energy development and requests its comments be considered in BLM's final RMPA decision.

Geothermal Rising supports BLM's selection of the preferred Alternative 5. Alternative 5 presents the most balanced approach for ensuring management action to protect and enhance greater sage-grouse habitat while simultaneously allowing for multiple-use of the public lands. Alternative 5 is also the most consistent with existing state management plans and proposes minimal changes to existing management, promoting regulatory certainty. Alternative 5 calls for managing sage-grouse habitats "in coordination and cooperation with state wildlife agencies," and defers largely to state-specific plans and Geothermal Rising supports BLM's decision to defer to state agencies given the primary role of the states regarding wildlife management. State systems are designed to meet the unique challenges to sage-grouse, including wildfire. Alternative 5 should apply the latest science regarding geothermal energy production and limited impacts on greater sage-grouse however Geothermal Rising is concerned about the reliance on Coates limited sample study.

Geothermal Rising strongly opposes Alternative 3 and Alternative 6, which would apply unprecedented restrictions across millions of acres of public lands, turning greater sage-grouse habitat into habitat conservation areas. Under Alternative 3, BLM would also designate over 11 million acres of lands as Areas of Critical Environmental Concern (ACECs) specific to greater sage-grouse management. While management under Alternative 6 would not be quite as restrictive, BLM nevertheless would layer on top of Alternative 5 the designation of over 11 million areas of sage-grouse habitat as ACECs, introducing severe restrictions in those areas. Both Alternative 3 and 6 would be inconsistent with multiple-use mandate by putting millions of acres off limits from development for the preservation of a single resource.

BLM's purpose and need for the RMPA focuses exclusively on greater sage-grouse management without acknowledging the broader multiple-use mandate in land use planning and statutory direction to authorize development of federal mineral resources. The greater sage-grouse RMPA effort flips takes a singular resource and considers its management across the entire range, encompassing multiple states and dozens of resource management planning areas. This concern is borne out by BLM's articulation of the purpose and need, which focuses exclusively on improving efficiency and effectiveness of greater sage-grouse management. This narrow focus is directly reflected in the agency's consideration of Alternative 3 and Alternative 6, both of which would severely restrict other uses of the public lands. If the purpose and need properly incorporated BLM's overarching statutory mandate and considered management of all BLM resources in a balanced way, such alternatives would be considered unreasonable for failure to meet the purpose and need. If BLM choose such restrictive alternatives, the socioeconomic consequences of closing the public lands to other uses would be severe for local and regional communities. Those adverse effects will extend to the geothermal industry where restriction on leasing and development in sage-grouse habitat over the next 20 years will take its toll. BLM's EIS concludes that putting sage-grouse habitat off limits for geothermal development would have zero effect on geothermal production capacity, and therefore, zero socioeconomic effect on the industry and its

employees. There is no reason to believe that geothermal development over the next 20 years will be confined to existing leases or that there will be no exploration or interest in new leases in greater sage-grouse habitat.

Geothermal Rising appreciates the opportunity to provide comments on the BLM's Greater Sage-Grouse RMPA/EIS and supports the preferred Alternative 5.

Sincerely,

Dr. Bryant Jones
Executive Director
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May 13, 2024

Attn: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84101

Dear Sirs:

We are writing today in response to the opportunity for public comment to the Bureau of Land Management's (BLM***) Proposed Areas Of Critical Environmental Concern (ACEC) connected to Greater Sage Grouse Management Plan Amendments***. The Nevada Farm Bureau Federation wishes to have these comments included as part of the public comment process.

Nevada Farm Bureau is opposed to the proposed plans to designate ACECs as a management tool for any of the areas outlined in the Federal Register Notice of March 15, 2024. The areas included for possible ACEC designation in Nevada include:

Warm Springs	Montana Mountains
Owyhee West	Owyhee East
North Fork Oneil	South Fork Dixie Flats
Butte Long Valley	Eureka North and South
Grass-Kobeh Valley	Monitor Valley
Reese River	Hayes Canyon
Utah and Idaho Connectivity	

We also wish to express our opposition to the designation of the proposed ACEC areas of the Buffalo Skedaddle and the Vya/Massacre in California.

As we read BLM's current manual for ACECs, ***"To be considered as a potential ACEC and analyzed in resource management plan alternatives, an area must meet the criteria of relevance and importance, as established and defined in 43 CFR 1610.7-2."***

The criteria for both relevance and importance go beyond the nearly impossible to understand rationale provided for any of the Nevada proposed ACEC designations on pages 5-22 through 5-24. The California "evaluation" for Vya/Massacre and Buffalo Skedaddle doesn't do much better. The Nevada proposed ACECs might provide rationale which describes what might be reasoning specifically for Greater Sage Grouse, but the evaluation criteria provided in the BLM manual covers four criteria for Relevance and five criteria for Importance.

We believe that the information provided for these designations fail to qualify as legitimate evaluations to meet the test of the BLM's manual for designation.

What type of special management activity would the plan include for these designated areas? We believe that these specifics should be spelled out as part of whatever possible decision might be considered.

Again, turning to BLM's manual for ACEC designations we read, ***"'Special management attention' refers to management prescriptions developed during the preparation of an RMP or amendment expressly to protect the important and relevant values of an area from the potential effects of actions permitted by the RMP."***

Further, ***"A management prescription is considered to be special if it is unique to the area involved and includes terms and conditions specifically to protect the important and relevant value(s) occurring on that area."*** How is this covered in the materials that were provided for the Nevada and California proposed ACECs in Appendix 5?

Once again, based on BLM's manual for ACEC designations – ***"Management prescriptions providing special management attention should include more detail than prescriptions for other areas and should establish priority for implementation. Special management often provides for consultation and coordination with identified groups and/or experts having interest or expertise in the affected values."*** The background information provided for the proposed ACECs separated out for Nevada and the California areas certainly doesn't get anywhere near these provisions of the BLM manual.

We don't believe that the designations of these areas will provide any meaningful special management attention that would benefit either sagebrush habitat or Sage Grouse. The greatest risk for Sage Grouse is wildfire, followed closely by predator impacts from ravens.

We also believe that actual data should be included to substantiate how the proposed "special management" measures would result in actual progress. A recent report from one very remote area (the Black Rock Desert) in Nevada has indicated that there has been a decline in a lek, even though there are nearly no human impacts for this area.

It would be very troubling to find out that the "special management" would be the exclusion of a multiple use such as livestock grazing. This exclusion would not benefit either sagebrush habitat or Sage Grouse. Designation of an ACEC for Sage Grouse management should not result in "non-management"/Wilderness-like treatment of the resource for the area(s) which might be designated as ACEC.

The current Nevada Greater Sage-grouse Conservation Plan states, ***"Today, by allowing for the authorized use of proper and targeted livestock grazing on public lands, private landowners and wildlife habitat managers can serve to protect or even benefit each other if managed properly (by reductions in fuels, targeted grazing of specific habitats and cheatgrass, etc.). The State of Nevada recognizes and supports this long standing beneficial relationship and the property interests associated with grazing permits."***

Nevada's Sage Grouse Plan includes a Goal for livestock grazing which states: ***"Ensure that existing grazing permits maintain or enhance sage-grouse habitat. Utilize livestock grazing when appropriate as a management tool to improve sage-grouse habitat quantity and quality, or to reduce wildfire threats. Based on a comprehensive understanding of seasonal sage-grouse habitat requirements, and in conjunction with the need for flexibility in livestock operations, make cooperative, timely, seasonal range management decisions to meet vegetation management objectives, including fuels reduction."***

This goal is supported by 21 Management Actions to address proper livestock grazing. We don't believe that any "special management" that BLM could institute through ACEC designations could be more comprehensive or better address sagebrush habitat or Sage Grouse needs than following the plan that Nevada has in place. It should also be noted that development of the ***Nevada Greater Sage Grouse Conservation Plan*** included BLM state leadership as well as representatives from a wide scope of stakeholders and other state and federal agencies.

Contrary to the belief that federal BLM officials seem to maintain, by ignoring or overriding conservation plans adopted by states, designations of land to preclude multiple use from taking place on federally-managed lands does not improve beneficial resource outcomes.

We strongly urge that ACEC designations not be advanced through the regulatory process that BLM is pursuing for the updated Greater Sage Grouse management plans.

Thank you for your consideration of our comments.

Sincerely,

Bevan Lister, President
Nevada Farm Bureau Federation

WESTERN ENERGY ALLIANCE

Submitted via eplanning.blm.gov

March 28, 2024

Pat Deibert
BLM National Sage-Grouse Conservation Coordinator
BLM Utah State Office
ATTN: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84101

Re: Request for Extension on the Comment Period for the Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning

Dear Ms. Deibert:

Western Energy Alliance is concerned about the short comment period for the Greater Sage-Grouse (GrSG) Rangewide Planning Draft Resource Management Plan (DRMPA) and Environmental Impact Statement (EIS), as well as for the related Areas of Critical Environmental Concern (ACEC), given the sheer scope of the information that must be digested by the public as well as the magnitude of the plan. Weighing in at 2,500 pages in three volumes with six highly detailed alternatives spanning 77 RMPs covering 69 million acres of greater sage-grouse habitat in ten states, the plan will have huge impacts across the West.

The breadth of the content covered in the RMP requires a significant time period for the public to sufficiently provide thoughtful input. Ninety-day and sixty-day comment periods, respectively, are not adequate and the public deserves a substantial comment period to furnish meaningful feedback. The Alliance respectfully requests that BLM double the time allotted for both, with a full 180-day comment period for the RMP and a 120-day comment period for ACECs.

Thank you for considering this request. We are gearing up to develop robust, substantial comments and a comment period commensurate with the task would be much appreciated.

Sincerely,

Kathleen M. Sgamma
President

April 25, 2024

Tracy Stone-Manning,
Director, Bureau of Land Management
U.S. Department of the Interior
1849 C St. NW, Room 5646
Washington, DC 20240

RE: DOI-BLM-WO-2300-2022-0001-RMP-EIS

The Society for Range Management (SRM) is the professional scientific society and conservation organization whose members are concerned with studying, conserving, managing, and sustaining the varied resources of rangelands, which comprise more than half of the land in the world. Established in 1948, SRM has over 4,000 members in 48 countries, including many in developing nations. SRM's members are land managers, scientists, educators, students, producers, and conservationists – a diverse membership guided by a professional code of ethics and unified by a strong land ethic.

We write to respectfully request an extension of the public comment period for the Bureau of Land Management (BLM) Greater Sage-Grouse Rangewide Planning Draft Resource Management Plan Amendment and Draft Environmental Impact Statement (Draft RMPA/EIS). We applaud the agency for utilizing "the best-available science and input from local, state, federal, and Tribal partners", as stated in the BLM press release. We are eager to assess those stated scientific pathways that led to the draft plan. Specifically, the proposal requests that comments be, "specific as possible and include suggested changes, sources, methodologies and references to a section or page number." We are concerned the short comment period will not allow for the necessary attention to detail required.

We would like to thank you for the opportunity to review the draft plan. Again, to make informed comments, it is imperative for our organization to have a timeframe that is suitable to evaluate the plan and present research findings related to the ecological impacts of the proposed management changes on rangelands. As a professional society, SRM looks forward to working with BLM, researchers, ranchers, and stakeholders to provide scientific feedback as to the ecological impacts of the proposed plan.

Sincerely,

Karen R. Hickman

Karen Hickman
President, Society for Range Management

April 25, 2024

TO: Director Tracy Stone-Manning:

Re: Request for Extension of Public Comment Period on Greater Sage-Grouse Rangewide Planning Draft Resource Management Plan Amendment and Draft Environmental Impact Statement (Draft RMPA/EIS)

We write to you regarding the Greater Sage-Grouse Rangewide Planning Draft Resource Management Plan Amendment and Draft Environmental Impact Statement (Draft RMPA/EIS) and the proposed Areas of Critical Environmental Concern (ACECs), posted on the Bureau of Land Management's (BLM) National NEPA Register: https://eplanning.blm.gov/eplanning-ui/project/2016719/510. As you know, there is a 90-day comment period for the Draft RMPA, which closes June 13, and a 60-day comment period for the proposed ACECs, which will close May 14. Due to the complex nature of the documents to review, the sheer volume of information, the request for specific, substantive comments, and other reasons listed below, we ask that BLM extend the comment period for the Draft RMPA/EIS by 180 days and the comment period for the proposed ACECs by 180 days also.

Our associations represent more than 2,000 members across the entire spectrum of the U.S. mining industry – from exploration and development to active mining, all the way to closure and reclamation. Our members discover and mine the raw materials needed for nearly every industry and consumer product. The coal, metals, and nonmetal minerals our members produce form the building blocks of our nation's agriculture, energy, infrastructure, manufacturing, defense, high-tech, and medical supply chains. The mining industry also plays a critical role in supporting such Administration priorities as reshoring mineral supply chains and investing in local communities. Because many of our members operate on federal lands, where Greater Sage-Grouse may be located, they will be directly affected by this proposal.

Between the Draft RMPA/EIS, the accompanying appendices, the Rangewide Monitoring Report for 2015-2020 and all the other documents, there are easily over 3,000 pages of documents to review and analyze. Even if individuals consume 200 pages per day of the material – an unlikely rate – it would take well over two weeks to get through all the documents. Few members of the general public, if any, will accomplish this. Even for interested companies, stakeholders and associations, the 90-day comment period (and 60 days for the ACECs) is an inappropriately compressed timeframe.

Further, the BLM's public meetings for the purposes of answering questions and presenting detailed information about each of the draft alternatives and analyses has unfortunately seeded confusion by including conflicting information with the Draft RMPA/EIS and the relevant supporting documents. Indeed, among other things, the BLM's virtual public presentation on April 9, 2024, showed that

Alternative 5 (BLM's preferred alternative) contained 11,139,472 acres of new ACECs – a direct contradiction to the text of the Draft RMPA/EIS.

As of this writing, the BLM has not posted that public meeting, or an updated presentation to alleviate this confusion. As such, in the interest of transparency, the associations respectfully request that this information be clearly added to the Draft RMPA/EIS docket. We also request an extension of both comment periods by 180 days to ensure that once the correct information is posted, there is sufficient time for it to be fully evaluated. Thank you for your consideration.

Sincerely,

Mark Compton
Executive Director
American Exploration & Mining Association

Chris Greissing
President
Essential Minerals Association

Katie Mills
Associate General Counsel
National Mining Association

To: Bureau of Land Management, Department of the Interior, Utah State Office
Attn: HQ GRSG RMPA
Re: Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning
Date: June 13, 2024

Great Old Broads for Wilderness is a women-led national grassroots organization that engages in and inspires activism to preserve and protect wilderness and wild lands. Our volunteer-led chapters, located in rural and urban communities across the nation, organize members to engage as advocates to protect and steward wilderness and wild places. This comment represents the collective voice of our members, and many of our chapters have chosen to sign this comment to emphasize their regional support.

We encourage the agencies to pay close attention to the joint comment letter submitted by Advocates for the West, American Bird Conservancy, Center for Biological Diversity, Earthworks, Great Old Broads for Wilderness Oregon Natural Desert Association, Prairie Hills Audubon Society, Public Employees for Environmental Responsibility, WildEarth Guardians, Western Shoshone Defense Project, Western Watersheds Project, and Western Wildlands Conservancy. It contains specific and technical information on plan components.

Please note that we submitted comments on the Areas of Critical Environmental Concern (ACEC) component of the draft plan on May 14, 2024. We urge the agency to consider that comment and designate a range-wide system of ACECs for greater sage-grouse conservation. In this letter, we focus on some other aspects and components of the plan.

To start, this Draft Environmental Impact Statement (DEIS) is very difficult to read and interpret. There are multiple layers of amendments, most of which have differences across states and field offices. For example, the “no action” alternative is the 2015 management plan as modified by the 2019 management plan amendments. Both the 2015 and 2019 plan components varied by region and state. This forces the reader to patch together many small pieces in order to begin to understand the actual management direction, even for the “no action” alternative. The other five alternatives, which present new amendments, are even more difficult to decipher.

The National Environmental Policy Act (NEPA) aims to create transparency and offer opportunities for information sharing. NEPA regulations require that NEPA documents are written so that decision makers and the public can "readily understand such statements."[1] However, this DEIS is difficult to read and understand, even for policy professionals. It is crucial that the final plan is written and presented in a way that the public can readily understand.

Over the last several decades, the greater sage-grouse has lost about half of its historic habitat. The US Geological Survey found that only 14% of greater sage-grouse habitat (known as the Sagebrush Sea) remains intact, and we are losing about 1.3 million acres of sagebrush habitats every year.[2] This trend has led to massive population declines. Since 1965, greater sage-grouse populations have declined rangewide by 80%. The rate of decline is getting faster, with nearly 40% of that decline occurring in just the last 20 years.[3]

Given these trends, the BLM should take this planning opportunity to strengthen habitat protections for greater sage-grouse. Unfortunately, the agency's preferred alternative adopts aspects of the 2019 amendments which weakened habitat protections. For example, the preferred alternative removes the "sagebrush focal area" habitat designation, which withdrew those areas from new mining. Given current and anticipated rates of population decline, the BLM should not weaken conservation measures for greater sage-grouse habitats in the final plan.

We urge the BLM to prioritize the protection of leks and nesting zones. Greater sage-grouse have high fidelity to their nesting areas. Therefore, protecting leks and the areas surrounding them is necessary for greater sage-grouse survival. From what we can piece together from information in the DEIS, lek buffer zones (the lands within a 4-5 mile radius of leks) are not strongly protected and vary state to state. Stronger protections for leks and nesting zones are needed in the final plan.

For all alternatives, disturbance caps range from 3% in some states and 5% in others. A 2020 study found that 91% of greater sage-grouse nests within the study area were located in areas with less than 3% disturbance, and 70% of nests were located in areas with less than 1%

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[1] 40 CFR § 1502.8
[2] Doherty et al. 2022. A sagebrush conservation design to proactively restore America's sagebrush biome. USGS Open-File Report 20221081.
[3] Coates, P. S., B. G. Prochazka, M. S. O'Donnell, C. L. Aldridge, D. R. Edmunds, A. P. Monroe, M. A. Ricca, G. T. Wann, S. E. Hanser, L. A. Wiechman, and M. P. Chenaille. 2021. Range-wide GRSG hierarchical monitoring framework—Implications for defining population boundaries, trend estimation, and a targeted annual warning system: U.S. Geological Survey Open-File Report 2020–1154, 243 p., https://doi.org/10.3133/ofr20201154.

disturbance.[4] The authors of this study concluded that managers should minimize disturbances in greater sage-grouse habitat in order to maximize nesting success and viable populations across the range. Therefore, the BLM should lower disturbance caps across the entire range to 1% or less. In addition, approval of final surface reclamation must be based on the return to a functioning sagebrush ecosystem in greater sage-grouse habitat. Otherwise, the surface disturbance caps become meaningless.

In 2010, the US Fish and Wildlife Service found that the greater sage-grouse was headed towards extinction. Despite following a greater sage-grouse conservation strategy since 2015, the greater sage-grouse has continued to decline. It is clear that new strategies are needed. The BLM must take this planning opportunity to provide meaningful, enforceable, and powerful habitat protections to save this iconic species. Thank you for considering our comments and working towards an effective range-wide greater sage-grouse conservation strategy.

Sincerely,

Sara Husby
Executive Director
Great Old Broads for Wilderness
(970) 385-9577

Broadband chapter signatures:

Alaska Soles Broadband (Alaska)

Crest to Coast Broadband (California)

Eastern Sierra Broadband (California)

Northern Front Range Broadband (Colorado)

Northern San Juan Broadband (Colorado)

South San Juan Broadband (Colorado)

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[4] Kirol, C.P., Smith, K.T., Graf, N.E., Dinkins, J.B., Lebeau, C.W., Maechtle, T.L., Sutphin, A.L. and Beck, J.L. (2020), Greater Sage-Grouse Response to the Physical Footprint of Energy Development. Jour. Wild. Mgmt., 84: 989-1001. https://doi.org/10.1002/jwmg.21854

Palouse Broadband (Idaho)

WHALES of Teton Valley Broadband (Idaho and Wyoming)

Northwest Montana Broadband (Montana)

Zootown Broadband (Montana)

Aldo’s Silver City Broadband (New Mexico)

Rio Grande Valley Broadband (New Mexico)

Bitterbrush Broads and Bros (Oregon)

Cascade Volcanoes Broadband (Oregon)

Rogue Valley Broadband (Oregon)

Willamette Valley Broadband (Oregon)

Polly Dyer Seattle Broadband (Washington)

BlueRibbon Coalition
P.O. Box 5449
Pocatello, ID 83202
208.237.1008
brc@sharetrails.org

Ben Burr, Executive Director
BlueRibbon Coalition
P.O. Box 5449
Pocatello, ID 83202

June 13, 2024

BLM – Utah State Office
Attn: Patricia Deibert
440 W 200 S
Suite 500
Salt Lake City, UT 84101M

BlueRibbon Coalition (BRC) is writing to provide feedback for the Greater Sage-Grouse Plan (DOI-BLM-WO-2300-2022-0001-RMP-EIS). BRC is a national non-profit organization that champions responsible recreation and encourages a strong conservation ethic and individual stewardship. We champion responsible use of public lands and waters for the benefit of all recreationists by educating and empowering our members to secure, protect, and expand shared outdoor recreation access and use by working collaboratively with natural resource managers and other recreationists. Our members use motorized and non-motorized means of recreation, including OHVs, horses, mountain bikes, and hiking to enjoy federally managed lands throughout the United States, including those of the BLM. Many of our members and supporters live in California, Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, and Wyoming or travel across the country to visit these states and use motorized vehicles to access federally managed lands throughout them. BRC members visit this land for motorized recreation, snowmobiling, sightseeing, photography, rockhounding, hunting, wildlife and nature study, camping, observing cultural resources, and other similar pursuits. BRC members and supporters have concrete, definite, and immediate plans to continue such activities in the future.

General Comments

There is overwhelming data showing the largest threat to the Greater Sage-Grouse and their cover is wildfire. “The primary driver of sagebrush loss across all PHMAs/ IHMAs within BSUs is wildfire, which accounted for the largest percent of the total loss (72%)” The year that we saw wildfire affect the least amount of area still accounted for 59% of habitat loss. Therefore, every year wildfire was the cause of the majority of any harm. No added protections need to be implemented to protect Sage-grouse other than active management of public lands. “In the Great Basin Region, the majority of the total sagebrush loss is due to wildfire (87%)” If management projects move forward we can assume habitat loss will decrease. “Overall, 1.9 million acres, approximately 3%, of the existing sagebrush in PHMAs/IHMAs within BSUs was lost between 2012 and 2018.” We have not seen a large decrease in the first place and implementing better wildfire management practices should decrease the loss even more.
The current protection strategies are sufficient enough as we have seen improvements through the 2015-2018 study period. Shape and height of sagebrush are growing and improving which improves coverage. Percent cover of sagebrush on BLM rangelands steadily increased throughout 2012-2018. Number of active leks have also increased since 2015 according to the data.

BRC supports Alternative 2. Alternative 3 is completely unacceptable. This plan should not add additional acreage into the habitat management area. No new ACEC’s should be designated. It need to be noted that the Landscape Health and Conservation Rule although finalized has not gone into affect therefore the BLM should not yet be prioritizing ACEC’s. Also, this EIS was released before that rule was finalized. The BLM should not have been taking non regulatory actions into consideration if the agency was not willing to also consider a true recreation alternative. This is a violation of NEPA. According to the BLM’s manual, ACEC’s do not automatically remove access and other uses but its simply a designation to note special management direction needs to be taken. We want to emphasize management rather than closure.

The Sage-Grouse is not a listed species therefore it should not be treated as such. The habitat management of the species should not take precedence over all other uses according to FLPMA. Potential habitat should not be designated or used as justification to reduce or remove other closures. Potential habitat is not using best available science as it is impossible to know for certain if the species will ever actually inhabit that area.

Users with Disabilities

We recommend that the BLM use this planning process to finally begin to reverse its

decades-long systematic discrimination against those with mobility impairment-related disabilities. In April 2022 the Department of Interior released its Equity Action Plan which states, “Public land visitation data collected from the Department’s bureaus suggests that certain underserved communities are underrepresented as public land visitors, relative to their presence in the U.S. population at large.” This includes persons with disabilities and limited physical access. This project proposal will help increase access within this area and is a positive step in the right direction.

On his first day in office, President Joe Biden issued an “Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.” This executive order established “an ambitious whole-of-government equity agenda” which focuses on addressing “entrenched disparities in our laws and public policies,” and mandates a “comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality.”

Under this executive order, “The term ‘equity’ means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as ... persons with disabilities....” Historically, there has been no group more greatly marginalized and excluded by public land management policies, and motorized travel management policies in particular, than people with disabilities. Outdoor enthusiasts with ambulatory disabilities frequently rely on motorized travel as their sole means to enjoy recreating on public lands. Not everyone has the ability to hike into a remote wilderness area, but many such people are still able to drive Jeeps, side-by-sides, and ATVs, which are restricted to the designated motorized route network.

Management policies focused on “minimizing” the environmental impacts of motorized recreation has resulted in a dramatic decrease in motorized recreation opportunities on public lands over the last 20 years which has disproportionately impacted people with disabilities. Wilderness focused environmental groups with extreme ableist biases have pushed for more and more areas to be closed to motorized recreation and reserved exclusively for hikers, mountain bikers, and other “human powered” and “quiet use” forms of recreation in which many people with disabilities are unable to participate.

Every time motorized routes or areas are closed, people with disabilities that require the use of motorized means to access public lands are barred from those areas forever. There has been little recourse for such people in the past because the Americans With Disabilities Act does not require public land management agencies to consider disproportionate effects on the disabled

community, but only requires that they be given access to public lands on equal terms with everyone else. As a result, the BLM has historically failed to give any real consideration to the impacts of motorized route closures on the disabled community when developing travel management plans.

The Biden Administration's focus on equity, however, changes the equation. While the ADA focuses only on equality of opportunity, equity inherently focuses on equality of outcome. Any policy that is facially neutral but disproportionately harms a disadvantaged or marginalized group is considered inequitable. The BLM is therefore required by this executive order and others mandating that federal agencies consider "environmental justice" in NEPA proceedings to consider whether any route closures in the Greater Sage-Grouse Resource Management Plan Amendment plan would disproportionately harm disabled users' ability to access public lands.

Any large-scale closures of existing routes would unfairly and inequitably deprive people with disabilities of the ability to recreate in the area using the only means available to them. It is imperative that the BLM consider the access needs of disabled users in this amendment and ensure that people with disabilities who depend on motorized means do not lose access. Users and Sage-Grouse can both enjoy this BLM land. Any alternative other than Alternative C would greatly harm disability access. Any new ACEC or restrictive designations would contradict the Equity Action Plan. BLM should also continue to manage the current ACEC's as is. Currently only 2 of the 23 ACEC's restrict other uses and this should continue as the BLM has a multiple use mandate.

Anthropogenic Disturbances

BRC does not recognize recreational off-highway vehicle use to be a primary source of threat to Greater Sage-Grouse. There is not sufficient evidence from the studies that have been done that prove human recreation is what is causing significant loss to the species.

BRC would like to be considered an interested public for this project. Information can be sent to the following address and email address:

Ben Burr
BlueRibbon Coalition
P.O. Box 5449
Pocatello, ID 83202
brmedia@sharetrails.org

Sincerely,

Ben Burr
Executive Director
BlueRibbon Coalition

Simone Griffin
Policy Director
BlueRibbon Coalition

June 11, 2024

Tracy Stone-Manning
Bureau of Land Management
U.S. Department of the Interior
1849 C Street NW, Room 5646
Washington, D.C. 20240

Re: Comments on the Bureau of Land Management's Draft Resource Management Plan and Environmental Impact Statement for the Greater Sage-Grouse Rangewide Planning

Director Stone-Manning:

The National Rural Electric Cooperative Association ("NRECA") respectfully submits these comments in response to the U.S. Bureau of Land Management's ("BLM") Draft Resource Management Plan ("RMP") and Environmental Impact Statement for the Greater Sage-Grouse Rangewide Planning ("Draft RMP/EIS").[1]

NRECA is the national trade association representing nearly 900 local electric cooperatives and other rural electric utilities. America's electric cooperatives are owned by the people that they serve and comprise a unique sector of the electric industry. From growing exurban regions to remote farming communities, electric cooperatives power 1 in 8 Americans and serve as engines of economic development for 42 million Americans across 56 percent of the nation's landscape.

Electric cooperatives operate at cost and without a profit incentive. NRECA's member cooperatives include 63 generation and transmission ("G&T") cooperatives and 832 distribution cooperatives. The G&Ts generate and transmit power to distribution cooperatives that provide it to the end of line cooperative consumer-members. Collectively, cooperative G&Ts generate and transmit power to nearly 80 percent of the distribution cooperatives in the nation. The remaining distribution cooperatives receive power directly from other generation sources within the electric utility sector. Both distribution and G&T cooperatives share an obligation to serve their members by providing safe, reliable, and affordable electric service.

The nature of electric cooperatives' service territories, and their local, member-driven structure empowers them to play a vital role in transforming communities, innovating to meet tomorrow's energy demands, and being good stewards of the environments in which they operate. As such, electric cooperatives have a vested interest in protecting the land, water, species, and air in the communities that they serve.

[1] 89 Fed. Reg. 18963 (March 15, 2024).

Indeed, the remote nature of cooperative service territory means that cooperatives have more special use authorizations, easements, and rights-of way across our nation's public lands than many other electric utilities. Electric cooperatives have long worked closely with BLM to be good stewards of our public lands and the species who live on them in and around their rights-of-way, while ensuring the reliability and affordability of the electric system.

Electric cooperatives utilize BLM-managed lands to deliver a reliable and affordable supply of electricity to rural communities across the west, many of which are persistent poverty counties. These communities depend upon our nation's public lands for their livelihoods, and they rely upon a well-organized, predictable Sage-Grouse RMP process to understand and, importantly, to weigh-in on the management process of species on lands that belong to the American people, and upon which so much of our success as a nation depends.

BLM proposes to amend Sage-Grouse management protocols in 77 Resource Management Plans across ten western states. These changes to Sage-Grouse management will impact countless critical industries, including the electric utility sector; hundreds of communities; and nearly half of the nation's landmass. After two previous Sage-Grouse RMP processes in less than a decade; this third process could create even more operational and regulatory uncertainty for public land stakeholders.

It also should be noted that BLM recently finalized its Conservation Rule, which will restrict and prohibit utility operations on vast swaths of public lands across the West.[2] Cooperatives are deeply concerned about how that Rule will limit their ability to continue providing reliable and affordable electricity to rural America.[3] The addition of this Sage-Grouse RMP adds an additional layer of regulation to these already highly regulated lands. NRECA is concerned that this RMP will compound regulatory uncertainty, chill investment, and further jeopardize the reliability of our electric grid in the Western U.S.

To avoid confusion, redundancy, and conflicting regulatory requirements, BLM should be straightforward and clear in its implementation of these complex conservation regulations. The Sage-Grouse RMP and the Conservation Rule should be concise and compatible with each other and with existing management processes to ensure that expectations and compliance requirements for both regulatory initiatives are clear to stakeholders.

Electric reliability in the western United States is critical to our national security, our economy, and our health and safety. This RMP may affect cooperatives' ability to continue providing safe, affordable, and reliable electricity in some areas. Thus, it is critical that BLM thoroughly considers the comments contained in this letter; as well as the comments submitted by our cooperative members in affected regions. In addition to the comments contained herein, NRECA jointly submits and incorporates by reference the comment letter submitted on the Draft RMP/EIS by the Energy and Wildlife Action Coalition (EWAC).

[2] 89 Fed. Reg. 40308 (May 9, 2024).
[3] *See* NRECA, Comments on the Bureau of Land Management's Proposed Rule on Conservation and Landscape Health, Docket No. BLM-2023-0001 (July 5, 2023).

NRECA respectfully requests that BLM consider the following:

(1) BLM proposes six alternatives in the Draft RMP/EIS. Of those six options, NRECA conditionally shares BLM's preference for alternative, No. 5 ("Alt. 5" or "the Alternative") which allows for greater flexibility in balancing Sage-Grouse protection efforts and continued use of our nation's public lands.[4] This option allows for utility rights-of-way ("ROWs") and other electricity facilities in General Habitat Management Areas ("GHMA"). This Alternative also allows for avoidance, rather than broad exclusion zones in Priority Habitat Management Areas ("PHMAs"). Allowing this flexibility gives electric utilities greater ability to site and operate ROWs and other facilities as necessary to meet the demands in their service territories.

(2) NRECA strongly <u>opposes</u> Alternative 3 in the Draft RMP/EIS, which would threaten electric reliability in the region by severely restricting or outright prohibiting ROW and utility infrastructure siting, maintenance, and operations throughout the region.

(3) Although NRECA supports Alt. 5 above other alternatives, NRECA is concerned that BLM does not sufficiently account for the consideration of real-time conditions on the ground, and instead depends on data and mapping when determining habitat classifications.

The landscape-scale planning as detailed in Alt. 5 leaves open the possibility that uses of public lands will be restricted in areas that do not contain Sage-Grouse habitat because those areas are broadly identified in the landscape planning process as PHMAs and GHMAs. We echo EWAC's request that BLM develop and include in the Final RMP/EIS a mechanism that allows for consideration of on-the-ground realities and other sources of data when designating PHMAs and GHMAs and allowable uses within those areas. "One size" of classification does not fit the reality of conditions at all project sites, and more flexibility is needed.

(4) NRECA is alarmed by the lack of data related to the impacts of electricity facilities, including ROWs, transmission and distribution poles and lines, and renewable energy infrastructure on Sage-Grouse and its habitat. Throughout the Draft RMP/EIS, BLM appeared to rely on assumptions, rather than concrete data in assessing potential impacts of electric utility operations, and determining the related habitat classification, avoidance and exclusion zones, and the like.[5]

For example, Alt. 1 and 2 require the installation of nest and perch deterrents during ROW renewal or amendment **if** adverse effects, such as increased nest predation on sage-grouse populations have been **documented**. Alt. 4-6 require nest and perch deterrent installation in **all** major ROWs located within PHMA, which would unduly increase project costs in areas that may see no resulting benefits.

[4] *Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement, Vol. 1*, BLM ES-5 (March 2024).
[5] *See, e.g.* Vertical structures such as powerlines "***may*** displace GRSG from their habitat" and Sage-Grouse "***may*** abandon leks" near energy operations. *Id.* at 4-6.

Electric reliability in the Western United States is of critical national importance. Any restrictions or prohibitions on operation of electric facilities in the region should be based on sound science and data about their actual impacts on the species, and such restrictions on use should limited in scope to only those activities which would actually result in real-world, proven, adverse impacts to the species or its habitat.

(5) NRECA further encourages BLM to utilize state-based data and insight wherever possible while developing the Final RMP/EIS. States have long-managed Sage-Grouse. They have a wealth of real-world knowledge about habitat conditions and locations. And many of the states participated in every iteration of Sage-Grouse RMP processes in the past and understand what management mechanisms are effective in practice.

It also should be noted that in our members' experience, some state maps of Sage-Grouse habitat are more reliable than some of those utilized in the Draft RMP/EIS. It is critical that state-based data and insight, where available, informs the Final RMP/EIS.

(6) Grid expansion and hardening is more important than ever in this time of increased electricity demand; increased wildfire threats; and increased sources of new and renewable energy that must be connected to the grid. Mitigation requirements can increase costs in already complex project planning processes on BLM lands, sometimes to the extent of chilling investment in such hardening and expansion projects.

NRECA requests clarity about how mitigation will be assessed for electric utility ROWs, grid hardening and expansion projects, and for renewable generation projects. More information and regulatory certainty regarding mitigation processes is needed to ensure the continued ability of electric cooperatives to site, operate, and maintain our existing infrastructure while meeting the demands of the future.

NRECA also requests clarity about how BLM will apply the "no net loss" standard in places where BLM has relied on incomplete data in its impact analyses, and losses may, in fact, not be occurring.

Please also define and clarify the meaning of the following phrases, BLM "considered *options with fewer restrictions on resources*" and "*provided more opportunities for considering compensatory mitigation* to offset impacts on sage-grouse and its habitat" as described in DEIS Executive Summary and Section 2.2.5 when referencing Alt. 5.

(7) Cooperatives already must navigate complex BLM approval processes to conduct vegetation management activities, wildfire mitigation activities, and grid hardening and expansion processes. NRECA urges BLM to utilize the Sage-Grouse RMP process to improve its management and approval processes to *ease* rather than further complicate and delay those processes.

NRECA encourages BLM to inject regulatory certainty, feasibility, and practicality into this RMP/EIS, and indeed all BLM management processes. Clarity in BLM rulemakings will ensure consistency of implementation in all BLM regions, and it will allow cooperatives more operational certainty as we continue to power communities across the nation, and as we accommodate growing demand in the coming years.

NRECA appreciates the opportunity to provide these comments to inform the BLM on its Draft Sage-Grouse RMP/EIS. We welcome the opportunity to work with you and to discuss our comments. Please contact Megan.Olmstead@nreca.coop if you have any questions.

Respectfully,

Megan A. Olmstead, Esq.
Regulatory Affairs Director
National Rural Electric Cooperative Association

June 13, 2024

Quincy Bahr, Sage-grouse Project Manager
Pat Deibert, Sage-grouse Conservation Coordinator
Bureau of Land Management
440 W. 200 S, Suite 500
Salt Lake City, Utah 84101

Re: Comments on Greater Sage-Grouse Draft Resource Management Plan Amendment
And Environmental Impact Statement (DOI-BLM-WO-2300-0001-RMP-EIS)

Dear BLM staff:

Colorado Wildlife Federation (CWF) is pleased to be a signatory to the comment letter dated June 13, 2024 submitted by 19 state and national organizations and we incorporate that letter by reference (see Appendix; submission ID: GRSG24Vol1-1-500702565).

CWF's purpose for providing this supplemental letter is to underscore Colorado's Greater sage-grouse (GRSG) Priority Habitat Management Areas (PHMA) and General Habitat Management Areas (GHMA) in the context of siting utility-scale photovoltaic solar energy development.

In its draft Programmatic Environmental Impact Statement (PEIS), BLM provided maps for areas open for solar development under its alternatives. Bureau of Land Management, Draft Programmatic Environmental Impact Statement for Utility-Scale Solar Energy Development, Document #DOI-BLM-HQ-3000-2023-0001-RMP-EIS. The agency stated that GRSG habitats would be excluded from development "as identified for exclusion in applicable land use plans." (Table 2.1-3, page 2-21). Footnote d. adds that BLM intends to defer to decisions made pursuant to the GRSG planning process and amend its resource management plans as needed.

The impacts of renewable energy on GRSG are significant, and projected acreage available for solar development applications in the PEIS is more than sufficient for renewable energy development to be sited outside of Priority Habitat Management Areas (PHMA) and important habitat within General Habitat Management Areas (GHMA) as well as habitat buffers. For lands it manages, BLM projects it will site utility-scale photovoltaic solar energy development on approximately 700,000 acres in the next 20 years in its Reasonably Foreseeable Development Scenarios. In the PEIS, BLM estimates that in Colorado alone, the acreage available for solar development applications constitutes a sizable percentage of the total needed among the 11 western states, ranging from 548,225 acres in alternative 3, 329,854 acres in alternative 4, and 235,270 in alternative 5.

We support BLM's approach in alternative 4 of excluding renewable energy infrastructure from PHMAs. In addition, this alternative would exclude important GHMA habitat areas. We expect BLM, together with Colorado Parks and Wildlife (CPW), will identify those areas within GHMAs that do not provide GRSG habitat where development could be located with little or no adverse impacts to GRSG populations and growth in PHMAs. Note that CPW's Best Management Practices for Solar Energy Development (May 27, 2021) request consultation as to GRSG to site infrastructure, including transmission lines, away from breeding and production areas, buffers from leks and brood rearing habitat. CPW's High Priority Habitat recommendations also address GRSG. See Colorado Parks and Wildlife's Recommendations to Avoid and Minimize Impacts to Wildlife from Land Use Development in Colorado that lists species and associated High Priority Habitats (updated July 19, 2023).

Colorado Wildlife Federation created an interactive web map showing mapped GRSG and BLM-proposed lands to be available for solar energy development in Colorado. The map layers show, for example, only slight overlap between high-value, CPW-identified PHMA, and somewhat more overlap between GHMA, and BLM acreage proposed to be available for solar development applications in:

- The Little Snake Field Office: GHMA overlaps a portion of PEIS Preferred Alternative 3, Alternative 4 and Alternative 5 available solar development application areas.
- The White River Field Office: GHMA overlaps a portion of PEIS Preferred Alternative 3, Alternative 4 and Alternative 5 available solar development application areas.
- The Kremmling Field Office: GHMA overlaps a portion of PEIS Preferred Alternative 3, Alternative 4 and Alternative 5 available solar development application areas. We are supportive of the North Park ACEC designation proposed in this DEIS. We recognize the ecological importance of the habitat in this area for the broader sage-grouse populations, especially in regards to genetics.

The draft EIS addresses transmission lines as major rights-of-way (along with large pipelines). We appreciate that PHMA would be managed as avoidance areas under both alternatives 4 and 5. But GHMA would be open with minimization and compensatory mitigation criteria. Therefore, we urge protections as least as great as alternative 4's for transmission lines for breeding, nesting, and other high-value/limiting seasonal habitat.

Thank you for your consideration of these Colorado-based comments.

Sincerely,

Suzanne O'Neill
Executive Director
Colorado Wildlife Federation
cwfed@coloradowildlife.org

To: Bureau of Land Management, Department of the Interior
Re: ACEC consideration and designation within the Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning
Date: May 14, 2024

Great Old Broads for Wilderness is a women-led national grassroots organization that engages in and inspires activism to preserve and protect wilderness and wild lands. Our volunteer-led chapters, located in rural and urban communities across the nation, organize members to engage as advocates to protect and steward wilderness and wild places. This comment represents the collective voice of our members, and many of our chapters have chosen to sign this comment to emphasize their regional support for ACEC designation.

Over the last several decades, the greater sage-grouse has lost about half of its historic habitat. The US Geological Survey found that only 14% of greater sage-grouse habitat (known as the Sagebrush Sea) remains intact, and we are losing about 1.3 million acres of sagebrush habitats every year.[1] This trend has led to massive population declines. Since 1965, greater sage-grouse populations have declined rangewide by 80%. The rate of decline is getting faster, with nearly 40% of that decline occurring in just the last 20 years.[2]

We appreciate the BLM adopted a greater sage-grouse conservation strategy in 2015, but it is clear that this strategy is not strong enough to curb habitat and population declines. Greater sage-grouse need a new management strategy that involves strong habitat protections.

The Bureau of Land Management (BLM) should prioritize the designation of Areas of Critical Environmental Concern (ACECs) in its greater sage-grouse resource management plan amendments. Specifically, the BLM should designate a range-wide ACEC network that protects Priority Areas for Conservation identified by the US Fish and Wildlife Service as essential

[1] Doherty et al. 2022. A sagebrush conservation design to proactively restore America's sagebrush biome. USGS Open-File Report 20221081.
[2] Coates, P. S., B. G. Prochazka, M. S. O'Donnell, C. L. Aldridge, D. R. Edmunds, A. P. Monroe, M. A. Ricca, G. T. Wann, S. E. Hanser, L. A. Wiechman, and M. P. Chenaille. 2021. Range-wide GRSG hierarchical monitoring framework—Implications for defining population boundaries, trend estimation, and a targeted annual warning system: U.S. Geological Survey Open-File Report 2020–1154, 243 p., https://doi.org/10.3133/ofr20201154.

habitats for long-term sage-grouse viability. These areas would serve as anchors for conservation and restoration of greater sage-grouse population and habitat.

In 2022, Great Old Broads for Wilderness partnered with other conservation organizations to formally nominate a Sagebrush Sea Reserve ACEC network.[3] However, none of the six alternatives analyzed in the draft plan include this ACEC network. The BLM should have included the Sagebrush Sea Reserve ACEC network within its range of alternatives because the nominated areas meet criteria for ACEC designation and are in great need of special management attention. In the final environmental impact statement, BLM should include an alternative that analyzes this nomination.

ACEC designation is the perfect tool to address the continuing decline of greater sage-grouse in Sagebrush Sea habitats. The BLM should use this tool before it is too late to recover greater sage-grouse. Thank you for considering our comments and working towards an effective range-wide greater sage-grouse conservation strategy.

Sincerely,

Sara Husby
Executive Director
Great Old Broads for Wilderness
(970) 385-9577

Broadband chapter signatures:

Sonoran Broadband (Arizona)

Crest to Coast Broadband (California)

Inland Empire Broadband (California)

Grand Junction Area Broadband (Colorado)

Middle Park Broadband (Colorado)

[3] 2022 Nomination for a Sagebrush Sea Reserve ACEC Network

Northern San Juan Broadband (Colorado)

South San Juan Broadband (Colorado)

Wild Watershed Broadband (Colorado)

WHALES of Teton Valley Broadband (Idaho and Wyoming)

Zootown Broadband (Montana)

Aldo’s Silver City Broadband (New Mexico)

Rio Grande Valley Broadband (New Mexico)

Bitterbrush Broads and Bros (Oregon)

Cascade Volcanoes Broadband (Oregon)

Greater Wasatch Broadband (Utah)

North Olympic Peninsula Broadband (Washington)

Polly Dyer Seattle Broadband (Washington)

South Sound Broadband (Washington)

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June 13, 2024

Patricia Deibert
National Sage-Grouse Conservation Coordinator
Bureau of Land Management
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Quincy Bahr
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Bureau of Land Management
440 W. 200S., Suite 500
Salt Lake City, Utah 84101

Submitted via www.eplanning.blm.gov

Re: Notice of Availability of the Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning, 89 Fed. Reg. 18,963 (March 15, 2024)

Dear Ms. Deibert and Mr. Bahr:

Ur-Energy is providing the following brief comments in response to the Bureau of Land Management (BLM) Notice of Availability of the Draft Resource Management Plan Amendment and Environmental Impact Statement (Draft RMPA/EIS) for Greater Sage-Grouse (GRSG Rangewide Planning (GRSG plans). Ur-Energy is a member of the National Mining Association (NMA) and fully supports the comments made by NMA on the same notice of availability. In addition to the comments made by NMA Ur-Energy would like to emphasis the following:

First, adherence to the well-established legal framework consisting of but not limited to the Federal Lands Policy Management Act, the General Mining Law (the Mining Act of 1872, as amended), and the Mining and Material Policy Act of 1970 is critical to a successfully implemented resource management plan. The legal framework is based on multiple uses for public lands which appear to be in contradiction with the proposed GRSG that puts increased priority on single use or conservation through the use of Areas of Critical Environmental Concern (ACEC). The use of ACEC management should be structured to minimize the impingement of the multiple use mandate to the extent possible.

Second, western states have dedicated an immense amount of time and resources over the past 15 years to develop and implement successful sage-grouse conservation plans. This thoughtful work has included scientific and technical expertise and considerable input from widely diverse stakeholders. The GRSG plan does not appear to take into account the work that state and local communities have done to conserve GRSG. Governor Gordon of Wyoming noted that despite

working with the BLM on the draft plans, they do not take into account the core areas established through state-led processes.[1] UR-Energy urges the BLM to reconsider the publication of the GRSG until further consultation can be made with State's to ensure expertise from State plans are implemented in the final GRSG.

Third the BLM's final rule on Landscape and Conservation health (Public Lands Rule) became effective June 10, 2024. The Public Lands Rule significantly overhauls the way BLM manages public lands and how resource management plans (RMPs) are assessed. The BLM's recently finalized Public Lands Rule highly prioritizes ACECs. In contrast the GRSG plans vary in each alternative's approach to ACECs. BLM's preferred alternative 5 dictates that no ACECs will be established. The GRSG and the Public Lands Rule appear to be in contradiction, and it is recommended that the GRSG be reevaluated to ensure it conforms to the finalized Public Lands Rule.

Fourth, the U.S. has grown dangerously dependent on imports of several minerals critical to our national security and decarbonizing the economy. Oftentimes, we are importing these minerals from geostrategic adversaries who don't share our values and/or are direct adversaries (*e.g.*, uranium purchased and imported from the Russian military). While protection of sage grouse is of great importance, sage grouse management plans should not be developed in a vacuum while ignoring other issues of national importance, including the importance of recovering minerals from federal lands for critical domestic needs.

Lastly, of all the alternatives presented in the EIS, UR-Energy supports alternative 5 the most because it does not recommend any lands for withdrawal and has the least restrictions on land use.

We encourage the BLM to consider the comments provided by Ur-Energy and look forward to working with the BLM on future resource plans to protect sage-grouse.

Sincerely,
Ur-Energy USA Inc.

By:

Ryan S. Schierman
Vice President Regulatory Affairs

[1] https://localnews8.com/news/wyoming/2024/03/15/gordon-says-blms-sage-grouse-management-plan-alternative-needs-more-work/

BLM Utah State Office
Attn: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, Utah 84101

Electronically submitted: https://eplanning.blm.gov/eplanning-ui/project/2016719/510

May 14, 2024

Baker County appreciates the opportunity to provide objections as a governing body with special coordination privileges into the Draft Resource Plan Amendment/Draft Environmental Impact Statement. The County opposes any BLM action or planning without the County having waived the opportunity to coordinate, which we have not done. (43 CFR 1610.3-1(a) and 43 CFR 1610.3-1(4))

The Baker County Board of Commissioners is charged with governing the County in the best interests of its citizens, their health, safety, and welfare, its economic base, and the natural environment. The economic sustainability of Baker County relies on both private and public lands for use of natural resources. Federal lands comprise vast areas of rural Oregon counties making any federal land use decision a direct impact on local customs, cultures, and socioeconomic conditions.

If coordination is not going to be used, the County supports Alternative 5, the BLM's Preferred Alternative, with caveats.

Mitigation
FLPMA does not explicitly mandate or authorize the BLM to require public land users to implement compensatory mitigation as a condition of obtaining authorization for the use of the public lands. In all instances, the BLM must refrain from authorizing any activity that causes unnecessary or undue degradation (UUD) pursuant to FPLMA Section 302(b)." However, preventing unnecessary or undue degradation does not mean preventing all adverse impacts upon

the land. The negative inference of the words "unnecessary" and "undue" is that a certain level of impairment may be necessary and due under a multiple use mandate. (IM 2019-018; Theodore Roosevelt Conservation Partnership v. Salazar, F. 3d 66, 78 (D.C. Cir 2011)).

If it comes down to the choice of eliminating grazing or mitigating for degradation, Baker County encourages the BLM to address mitigation to Greater Sage-Grouse habitat through minimizing impacts by limiting the degree or magnitude of the action and its implementation (40 CFR 1508.20(b)) **not** by eliminating grazing entirely. For example, instead of eliminating grazing, measures could be put in place such as developing off-stream/wetland water sources and installing exclusion fencing around sensitive stream/wetland areas. This simple fencing solution minimizes impacts to waterways and wetlands by eliminating access.

40 CFR 1508.20(e) states, "Compensating for the impact by replacing or providing substitute resources or environments". Will the BLM have alternate grazing allotments in the future, or does the BLM now have alternate grazing allotments for the displaced grazers? If not, then will the BLM be able to provide substitute resources, such as funding to cover the cost of hay or lease of other ground, to make up for the loss of grazing on public land?

Purpose and Need for Action

Baker County believes that the action to reduce or remove grazing another federal land use over-reach that keeps the citizens from using their public lands and limiting the multiple use mandate.

Svejcar et al (2014) argues that "grazing is necessary to manage wildfire risks in sagebrush ecosystems" and is backed up by "wildfire is a risk in sagebrush ecosystems and to Greater Sage-Grouse habitat particularly as it pertains to dominance by annual grasses and establishment of the annual grass-fire cycle is well established" (e.g. Brooks et al. 2015; Coates et al 2015 Coates et al 2016). Many, many, studies, besides the two examples, have shown that grazing decreases the risk, size and severity of wildfires on rangeland. To disregard these studies shows that the BLM is not willing to use the best science available.

Research Natural Areas/Additional Set-Asides

Baker County does not support the addition of any "special designation areas". The County's Natural Resources Plan explicitly states that "…special designations on the public lands that have the potential to restrict customary use, limit economic opportunity, and erode the multiple use character of lands…" remove the ability of the County to tax natural resource based businesses, thereby reducing the tax base for local government needs. (Baker County Natural Resources Plan, 2016) A, ACEC/RNA is simply a "special designation area".

Socioeconomics

In Baker County, any loss of grazing will be in addition to economic impacts also delivered by the federal government through the reduction in timber harvest and mining. In many instances, cooperators will not be able to find leasable private land, afford the higher costs associated with the purchase of hay, and therefore, will have no choice but to quit ranching. On every scale,

personal, community, county, and federal government, the loss of grazing will have negative, severe, economic impacts.

The loss of a single livestock producer because of federal regulations is simply unacceptable.

Coordination

Baker County has chosen to include 43 CFR §1610.3-1 because it appears that the BLM has forgotten that it exists, or willingly ignored it. The County requests that this Draft Resource Plan Amendment/Draft Environmental Impact Statement be suspended until proper and lawful use of 43 CFR §1610.3-1 is implemented fully.

43 CFR § 1610.3-1 Coordination of planning efforts

(a) In addition to the public involvement prescribed by § 1610.2, the following coordination is to be accomplished with other Federal agencies, state and local governments, and federally recognized Indian tribes. The objectives of the coordination are for the State Directors and Field Managers to:

(1) Keep apprised of non-Bureau of Land Management plans; (the Baker County Natural Resources Plan, 2016, was not requested or considered in this Draft RPA/EIS)

(2) Assure that BLM considers those plans that are germane in the development of resource management plans for public lands;

(3) Assist in resolving, to the extent practicable, inconsistencies between Federal and non-Federal government plans;

(4) Provide for meaningful public involvement of other Federal agencies, State and local government officials, both elected and appointed, and federally recognized Indian tribes, in the development of resource management plans, including early public notice of final decisions that may have a significant impact on non-Federal lands; and

(5) Where possible and appropriate, develop resource management plans collaboratively with cooperating agencies.

(b) When developing or revising resource management plans, BLM State Directors and Field Managers will invite eligible Federal agencies, state and local governments, and federally recognized Indian tribes to participate as cooperating agencies. The same requirement applies when BLM amends resource management plans through an environmental impact statement. State Directors and Field Managers will consider any requests of other Federal agencies, state and local governments, and federally recognized Indian tribes for cooperating agency status. Field Managers who deny such requests will inform the State Director of the denial. The State Director will determine if the denial is appropriate.

(c) State Directors and Field Managers shall provide other Federal agencies, State and local governments, and Indian tribes opportunity for review, advice, and suggestion on issues and topics which may affect or influence other agency or other government programs. To facilitate coordination with State governments, State Directors should seek the policy advice of the Governor(s) on the timing, scope and coordination of plan components; definition of planning areas; scheduling of public involvement activities; and the multiple use opportunities and constraints on public lands. State Directors may seek written agreements with Governors or their designated representatives on processes and procedural topics such as exchanging information, providing advice and participation, and timeframes for receiving State government participation and review in a timely fashion. If an agreement is not reached, the State Director shall provide opportunity for Governor and State agency review, advice and suggestions on issues and topics that the State Director has reason to believe could affect or influence State government programs.

(d) In developing guidance to Field Manager, in compliance with section 1611 of this title, the State Director shall:

(1) Ensure that it is as consistent as possible with existing officially adopted and approved resource related plans, policies or programs of other Federal agencies, State agencies, Indian tribes and local governments that may be affected, as prescribed by § 1610.3-2 of this title;

(2) Identify areas where the proposed guidance is inconsistent with such policies, plans or programs and provide reasons why the inconsistencies exist and cannot be remedied; and

(3) Notify the other Federal agencies, State agencies, Indian tribes or local governments with whom consistency is not achieved and indicate any appropriate methods, procedures, actions and/or programs which the State Director believes may lead to resolution of such inconsistencies.

(e) A notice of intent to prepare, amend, or revise a resource management plan shall be submitted, consistent with State procedures for coordination of Federal activities, for circulation among State agencies. This notice shall also be submitted to Federal agencies, the heads of county boards, other local government units and Tribal Chairmen or Alaska Native Leaders that have requested such notices or that the responsible line manager has reason to believe would be concerned with the plan or amendment. These notices shall be issued simultaneously with the public notices required under § 1610.2(b) of this title.

(f) Federal agencies, State and local governments and Indian tribes shall have the time period prescribed under § 1610.2 of this title for review and comment on resource management plan proposals. Should they notify the Field Manager, in writing, of what they believe to be specific inconsistencies between the Bureau of Land Management resource management plan and their

officially approved and adopted resources related plans, the resource management plan documentation shall show how those inconsistencies were addressed and, if possible, resolved.

(g) When an advisory council has been formed under section 309 of the Federal Land Policy and Management Act of 1976 for the area addressed in a resource management plan or plan amendment, BLM will inform that council, seek its views, and consider them throughout the planning process.

Conclusion

Grazing has become a part of the ecosystem and the system will never, under any management regime, return to pre-grazed conditions. There are too many complex interactions, cultural, social, economic, and ecological, that depend on the continuance of grazing as a statutorily authorized land use.

Sincerely,

Christina Witham, Commissioner
Baker County Commissioner
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Doni Bruland, Baker County Natural Resource Director
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National Association of Conservation Districts

June 13, 2024

Submitted Via: BLM National NEPA Register

Bureau of Land Management
Attention: HQ-GRSG-RMPA
440 West 200 South #500
Salt Lake City, UT 84101

RE: Greater Sage-Grouse Draft RMP/Draft EIS – GRSG RMPA

Dear Bureau of Land Management:

NACD represents America's 3,000 conservation districts, their respective state and territory associations, and the more than 17,000 individuals who serve on their governing boards. Conservation districts are local units of government established under state law to carry out natural resource management programs at the local level by working with landowners and operators in every part of the country to manage and conserve land and water resources on private and public lands. Conservation districts share a single mission: to work cooperatively with federal, state, and local resource and land management agencies, and private sector interest groups to provide technical, financial, and other assistance to help landowners and operators apply conservation to the landscape. Conservation districts work hand-in-hand with all levels of government to ensure that programs, regulations, and initiatives are tailored to address various local resource needs.

NACD appreciates the opportunity to comment on the Bureau of Land Management (BLM)'s Draft Resource Management Plan Amendment/Draft Environmental Impact Statement (RMPA/DEIS) for greater sage-grouse habitat management and values the importance of species conservation informed by the best-available science and input from local, state, federal and Tribal partners. By continuing to provide multiple use access and engaging in regular coordination with state and local governments and stakeholders, including conservation districts, public lands can be managed to accommodate a variety of uses including wildlife habitat, wildfire management, livestock management, and outdoor recreation. Impacts on local communities and economies should be well analyzed and taken into consideration when developing or altering management plans. NACD encourages BLM to continue working with and maintain flexibility for communities already working to preserve and protect greater sage-grouse habitat within the multiple use framework.

In the DEIS, BLM provides varied alternatives for sustainable management, which include specific amendments to the greater sage-grouse management plans. Of the alternatives analyzed, NACD believes Alternatives 2 and 5, with a few additions we highlight below, are most compatible with

ongoing efforts to protect greater sage-grouse habitat in balance with local socioeconomic considerations. NACD appreciates BLM's recognition of current local efforts and the opportunities presented by creating consistency in management and the consideration and utilization of additional tools in BLM's toolbox to achieve substantial improvements in greater sage-grouse habitat.

State and local governments, including conservation districts, are a tremendous resource for BLM and provide integral local knowledge to help determine appropriate management tools. In addition to understanding local landscapes and needs, conservation districts work with partners to provide resources and assistance facilitating effective habitat restoration and protection.

NACD does assert that a few additions and clarifications in the EIS are warranted. NACD requests a more streamlined process to "ground-truth" habitat designations and make on-the-ground management more adaptive based on true habitat conditions. NACD also encourages better clarity on use of Ecological Site Descriptions (ESDs) and their associated State and Transition Models to frame greater sage-grouse conservation actions grounded in current rangeland science and a sites' true ecological potential through regular coordination and collaboration with conservation districts. NACD is encouraged by BLM's references to updated range science and the need for appreciable standards and recommends BLM only apply range-wide disturbance caps when no other alternatives are available. Additionally, BLM should defer to state and local governments, including conservation districts, when developing or implementing any disturbance caps. Flexibility to adjust disturbance caps in accordance with updated data and/or science including site-specific conditions (such as ground-truthing) should also be allowed.

Wildfires continue to pose significant threats to greater sage-grouse and their habitat in the American West. NACD urges BLM to use aggressive and improved methodologies to support wildfire mitigation, especially pre-suppression fuels management on public lands. Effective management of fire fuels and practices to reduce opportunities for catastrophic wildfires strengthen and protect the sagebrush steppe habitat and the communities they support. Management tools, including well managed livestock grazing, can effectively reduce the fuel load, especially of fine fuels and invasive annual grasses like cheatgrass. NACD encourages BLM to continue to work with local ranchers and stakeholders on targeted and prescribed grazing as a management tool to create fuel breaks and reduce fuel load in or adjacent to sage-grouse habitats.

BLM should continue to work toward developing outcome-based grazing initiatives to increase flexibility and support for livestock permittees and land managers to meet habitat objectives as conditions on the ground change. The development of a streamlined process to provide timely use of temporary non-renewable grazing animal unit months, or a similar process, for targeted and strategic grazing can also reduce fire-prone invasive species, resulting in more desirable ecological conditions.

Invasive species continue to pose serious challenges for western communities and greater sage-grouse habitat, especially where species such as cheatgrass dominate areas after wildfire, and other weeds degrade important brood-rearing habitats including wet meadows or leks. Strong invasive species management is needed to address the issues facing greater sage-grouse habitats. BLM

should continue the use of native species to restore degraded rangelands when possible and beneficial nonnative species when necessary to stabilize sites from invasive species threats. Science has shown that pinion and juniper encroachment into sagebrush ecosystems threatens the greater sage-grouse's habitat and life-cycle behaviors, as the birds will avoid areas with even limited tree cover. Pinion/juniper control methods, including mechanical, chemical, and prescribed fire should be actively utilized moving forward. Analysis of and mitigation practices to address the impacts of predation on greater sage-grouse should also be taken into consideration. NACD encourages BLM to work with state and local governments, including conservation districts, and other appropriate federal agencies (including the U.S. Fish and Wildlife Service and USDA-Wildlife Services) to determine the most sensible approach to reduce the impacts of predation. For example, species such as the Common Raven have a disproportionate impact on sage-grouse, but also have protections under the Migratory Bird Treaty Act.

It is critical to consider the well-being and stability of local economies when developing species and habitat management plans. BLM's greater sage-grouse management plans must provide adequate regulatory mechanisms to protect, enhance, and restore local economies and preserve local culture and social stability. NACD believes Alternatives 2 and 5 in BLM's DEIS take important steps to bolster this objective and encourages continued coordination and cooperation in fine tuning to maximize greater sage-grouse conservation in balance with the socioeconomic needs of local communities. Well-managed sagebrush ecosystems not only provide habitat for the sage-grouse, but also support additional species such as mule deer, elk, pronghorn, and the golden eagle. The American West supports a wide range of important activities within the multiple use framework, including outdoor recreation and livestock cultivation. It is crucial that BLM continue to support additional activities within the multiple use framework and recognize their importance to local communities.

NACD thanks the BLM for the opportunity to provide input to inform the DEIS process and looks forward to working with the agency to ensure local communities and conservation districts are at the forefront of management efforts. NACD encourages BLM to utilize conservation districts' unique local knowledge and experience to help inform the development of greater sage-grouse management systems. Working closely with all stakeholders, BLM can ensure that local economies and sage-grouse habitats are able to thrive in tandem.

Sincerely,

Kim LaFleur,
NACD President

BLM Utah State Office
ATTN: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84101
Submitted via https://eplanning.blm.gov/eplanning-ui/project/2016719/510

June 13, 2024

Dear Greater Sage-Grouse planning team:

Thank you for the opportunity to comment on the Draft Resource Management Plan Amendment and Environmental Impact Statement (DEIS) for Greater Sage-Grouse Rangewide Planning (89 Fed. Reg. 18963). The undersigned organizations, representing millions of American voices, write today to urge you to designate Areas of Critical Environmental Concern (ACECs) on certain lands in the final Greater Sage-Grouse Plan amendments. Doing so will protect and prevent irreparable harm to crucial greater sage-grouse habitats across the planning area. ACECs are the Bureau of Land Management's (BLM) principal administrative designation for public lands where special management attention is required to protect important resources, and BLM's statutory mandate is to prioritize their designation and protection.

The science of conservation biology argues for establishing a connected network of core and connectivity lands that can serve as conservation anchors across the larger landscape. In 2015, BLM established a network of priority habitat management areas to serve as anchors. However, over the nine years since the 2015 plans were adopted, greater sage-grouse[1] and its habitat[2] -- including, notably, greater sage-grouse priority habitat management areas[3] - have continued to decline. These trends call into doubt the sufficiency of the priority habitat management area protections and argue for the need for special management attention for priority core and connectivity lands.

ACEC designations can provide that necessary special management to sage-grouse populations and habitat and help reverse long-term sage-grouse declines. Beyond conferring management measures specifically designed to maintain and enhance ACEC resources, ACECs are helpful for increasing funding and partnership opportunities and communicating the importance of the designated lands.[4] Further

[1] Draft Resource Management Plan Amendment and Environmental Impact Statement (DEIS) for Greater Sage-Grouse Rangewide Planning, Appendix 2, Maps 3.2 and 3.3.
[2] *See,* e.g., Doherty, K., Theobald, D.M., Bradford, J.B., Wiechman, L.A., Bedrosian, G., Boyd, C.S., Cahill, M., Coates, P.S., Creutzburg, M.K., Crist, M.R., Finn, S.P., Kumar, A.V., Littlefield, C.E., Maestas, J.D., Prentice, K.L., Prochazka, B.G., Remington, T.E., Sparklin, W.D., Tull, J.C., Wurtzebach, Z., and Zeller, K.A., 2022, A sagebrush conservation design to proactively restore America's sagebrush biome: U.S. Geological Survey Open-File Report 2022–1081, 38 p., ttps://doi.org/10.3133/ofr20221081.
[3] Defenders of Wildlife Sage-Grouse Action Centers State Fact Sheets. Available at: https://defenders.org/sage-grouse-action-center.
[4] BLM Manual 1613, Section .02.

there is precedent[5] and direction[6] for using ACECs at the landscape scale to provide protections to imperiled species and drive resources to restorative and protective activities.

For all these reasons, we urge you to designate and protect a robust network of ACECs across the planning area. Thank you for considering these comments.

Sincerely,

Californians for Western Wilderness

CalWild

Conservation Colorado

Conservation Lands Foundation

Defenders of Wildlife

Friends of Nevada Wilderness

Great Old Broads for Wilderness

National Audubon Society

Natural Resources Defense Council

Oregon Natural Desert Association

Sierra Club

Soda Mountain Wilderness Council

The Pew Charitable Trusts

The Wilderness Society

Western Slope Conservation Center

Wild Montana

Wyoming Wilderness Association

[5] Mojave Desert Tortoise conservation is anchored by landscape-scale ACECs; these ACECs have attracted additional resources and public support for conservation.

[6] IM-2023-013 (Identifies landscape intactness, climate resiliency, habitat connectivity, and opportunities for conservation or restoration, inter alia, as criteria for qualifying an ACEC).

COALITION OF LOCAL GOVERNMENTS

1689 COUNTY ROAD 263
FORT BRIDGER, WY 82933

COUNTY COMMISSIONS FOR LINCOLN, SWEETWATER, AND UINTA – WYOMING, AND DAGGETT-UTAH; AND CONSERVATION DISTRICTS FOR LINCOLN, LITTLE SNAKE, STAR VALLEY, SUBLETTE, SWEETWATER, AND UINTA - WYOMING

May 14, 2024

VIA EPLANNING WEBSITE

Pat Deibert
BLM National Sage-Grouse Conservation Coordinator
BLM Utah State Office
Attn: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84101

Re: Coalition of Local Governments' Comments on the Bureau of Land Management's Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning – Areas of Critical Environmental Concern

Dear Pat Deibert,

The Coalition of Local Governments ("Coalition") submits these comments on the Bureau of Land Management's consideration of potential areas of critical environmental concern ("ACEC") under the Draft Resource Management Plan ("RMP") Amendment and Environmental Impact Statement ("DEIS") for Greater Sage-Grouse protection. The BLM's Preferred Alternative 5 in the DEIS would not carry forward any new proposed ACECs. The Coalition supports the decision to not designate any ACECs to protect sage-grouse habitat. Even under the 2015 RMP Amendment, no ACECs were proposed in large part because no specific sage-grouse habitat was found to be more than locally significant nor require additional protection over what the RMP Amendments already provided. This is still the case. The BLM even recognizes that the specific management for the proposed ACECs under Alternative 3 "would have the same allocations (i.e., allowable uses) as the rest of PHMA." DEIS at ES-4, 2-118. Therefore, there is still no reason to designate additional ACECs on top of the priority habitat management area ("PHMA") designations and proposed management actions to "protect and prevent irreparable harm" to Greater Sage-Grouse and their habitat. 43 U.S.C. § 1702(a).

I. STATEMENT OF INTEREST

The Coalition is a voluntary association of local governments organized under the laws of the State of Wyoming to educate, guide, and develop public land policy in the affected counties and to protect the natural resources within the respected counties. Wyo. Stat. Ann. §§ 11-16-103,

11-16-122, 18-5-201. Coalition members include Lincoln County, Sweetwater County, Uinta County, Daggett County, Lincoln Conservation District, Sweetwater County Conservation District, Uinta County Conservation District, Sublette County Conservation District, Little Snake River Conservation District, and Star Valley Conservation District. The Coalition serves many purposes for its members, including helping to develop local government plans and policies, the protection of vested rights of individuals and industries dependent on utilizing and conserving existing resources and public lands, the promotion and support of fish and wildlife habitat improvement, the support and funding of scientific studies addressing federal land use plans and projects, and providing comments on behalf of members for the educational benefit of those proposing federal land use plans and land use projects.

Both the Counties and the Conservation Districts have authority to protect the public health and welfare of Wyoming and Utah citizens while promoting and protecting public lands and water resources. Wyo. Stat. §§ 11-16-122, 18-5-208; Utah Code § 17-27a-102(1)(a). By statute, the Wyoming Counties are "deemed to have special expertise on all subject matters for which it has statutory responsibility, including but not limited to, all subject matters directly or indirectly related to the health, safety, welfare, custom, culture and socio-economic viability of a county." Wyo. Stat. Ann. §18-5-208. As such, the Counties "may regulate and restrict . . . the use, condition of use or occupancy of lands for residence, recreation, agriculture, industry, commerce, public use and other purposes in the unincorporated area of the county." Wyo. Stat. Ann. §18-5-201. Daggett County also possesses the general land use authority to protect the tax base, foster the state's agricultural and other industries, facilitate growth, and provide for the health, safety, and welfare of its citizens. Utah Code § 17-27a-102(1)(a)(i)-(ii), (iv), (vi).

The Conservation Districts have statutory authority to develop and implement comprehensive resource use and management plans for range improvement and stabilization, conservation of soil, water and vegetative resources, control and prevention of soil erosion, and for flood prevention. Wyo. Stat. § 11-16-122(xvi). Their jurisdiction includes matters pertaining to the acquisition, construction, operation or administration of any land utilization, soil conservation, erosion control, erosion prevention, flood prevention projects, conservation of water, water utilization, disposal of water in watershed areas, and other water projects. Wyo. Stat. § 11-16-122(xix). In carrying out this statutory authority, the Conservation Districts are working "to stabilize ranching and farming operations, to preserve natural resources, protect the tax base, control floods, prevent impairment of dams and reservoirs, preserve wildlife, protect public lands, and protect and promote the health, safety and general welfare of the people of this state." Wyo. Stat. § 11-16-103(b).

II. AREAS OF CRITICAL ENVIRONMENTAL CONCERN

An ACECs are defined as "areas within the public lands where special management attention is required . . . to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards." 43 U.S.C. § 1702(a). A potential ACEC must satisfy a

three-part test before designation during an RMP revision process. First, it must have "relevance," meaning it possesses "a significant historic, cultural, or scenic value; a fish or wildlife resource or other natural system or process; or natural hazard." 43 C.F.R. § 1610.7-2(a)(1). Second, it must also have "importance," meaning the relevant values identified in the first step must have "substantial significance and values." 43 C.F.R. § 1610.7-2(a)(2). For the relevance values to meet the "importance" threshold, the area must have "more than locally significant qualities...compared to any similar resource," have qualities that make it fragile, rare, or irreplaceable, or been recognized as warranting protection to satisfy national priority concerns. BLM Manual 1613, Section 11.B.1. Third, the nominated area must require "special management" "to protect and prevent irreparable damage." 43 U.S.C. § 1702(a).

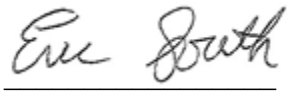
The BLM Wyoming Field Offices have concluded that the management in their specific RMPs were sufficient to protect the wildlife habitat identified in previously proposed ACECs and that many of the same areas now proposed in the Draft RMP did not qualify as ACECs due to the lack of a threat of irreparable harm. The same conclusion should apply here, which is that the BLM still cannot show any specific Greater Sage-Grouse habitat, within the 69 million acres of available habitat, that is unique or regionally or nationally significant. Nor can BLM show that any habitat requires special management over and above the 2015 RMP Amendment, let alone more than the management proposed under each alternative for this round of RMP revisions.

The BLM even recognizes in the DEIS that "PHMA, IHMA, and GHMA allocations provided a comprehensive management framework, covering a diverse array of management actions and restrictions in Alternatives 1-6, effectively capturing GRSG habitat and most ACECs." DEIS at 4-120. There is no need to include another management layer by designating specific sage-grouse habitat as ACECs. And while the BLM states "ACEC designations adds a layer of specificity, enabling more targeted approach to address unique relevant and important values" not covered by the broader allocations, there is no discussion as to how that is accomplished in proposing the specific ACECs under Alternatives 3 and 6. The BLM correctly concludes under Preferred Alternative 5 that special designations are not required to "protect and prevent irreparable harm" to sage-grouse habitat – this protections is already accomplished through PHMA management direction.

III. CONCLUSION

The Coalition appreciates the consideration of these comments on the ACEC analysis for the Greater Sage-Grouse RMP Amendments and DEIS. The Coalition will be filing additional comments addressing the rest of the Draft RMP Amendments and DEIS within the 90-day comment period.

Sincerely,



Eric South, Chairman
Coalition of Local Governments

BIG SKY UPLAND BIRD
ASSOCIATION
P.O. Box 9005 • Missoula, MT 59807

June 10, 2024

Submitted via email to: BLM_HQ_GRSG_Planning@blm.gov

RE: Comments on BLM draft RMP Amendment and DEIS for greater sage-grouse rangewide planning

Dear Ms. Deibert and BLM planning staff:

The Big Sky Upland Bird Association (BSUBA) is a Montana-based NGO committed to the conservation of upland birds and their habitats. Our present Board of Directors includes active and retired professional wildlife biologists, habitat conservation advocates, hunters, and landowners.

Since 2000 we have been engaged in Greater sage-grouse (GRSG) conservation efforts via the BLM-funded "Adopt-a-Lek" population monitoring effort in Montana, Montana FWP's state conservation plan development, scientific symposia, BLM RAC and Montana grouse advisory committee seats, legislative and EQC testimony, and the Southwest Montana sage grouse working group.

The issues and activities that are of greatest interest to our organization and pertinent to sage-grouse conservation and restoration on BLM properties include use of best-available science regarding native and invasive vegetation management, livestock grazing management, energy/mineral development, recreation management, and decisions that may impair or enhance connectivity of grouse habitat and populations.

Recognizing that these proposed decisions involve eight BLM regions, but also because Montana shares its GRSG populations with Wyoming and Idaho, our organization's scope of comments will focus on elements of BLM's Montana/Dakotas, Wyoming, and Idaho regions.

As presented no draft Alternative is entirely acceptable to our organization. In our opinion, there are reasonable approaches and actions proposed in Preferred Alternative 5, but most of them resembling policies and practices that have inadvertently contributed to decades of sage grouse population declines. For example, standards for rangeland health are often unmet due to drought, fire, or overgrazing, leading to nesting failure and low habitat security.

However, other Alternatives contain actions well-justified if conservation of GRSG is to succeed. For example, Alternative 3 includes designations of Areas of Critical Environmental Concern (ACEC) where special management can be adopted for GRSG habitats, and two ACEC are proposed for Montana (Carter Crook GRSG Connectivity and South Valley Phillips GRSG Habitat). Similarly, Alternative 4 explicitly incorporates new science developed since 2015, which for example would enact no surface occupancy (NSO) for any new oil and gas leasing in Priority Habitat Management Areas (PHMA). Alternative 4 would also use new science to adjust the boundaries of PHMA and improve coordination between adjacent BLM regions sharing grouse populations.

Alternative 6 may be closest to a reasonable approach for GRSG persistence on BLM acreage. Under Alternative 6, eleven million acres of ACEC would be available for new fluid mineral leasing but with no surface occupancy allowed, closed to non-energy mineral leasing, closed to saleable minerals except for free-use pits (for local road maintenance), excluded to major rights-of-way unless located in Resource Management Plan (RMP) designated corridors, and excluded from wind and solar development, as well as not allowing exceptions to the disturbance cap otherwise available in PHMA under Alternative 6.

Alternative 6 seems to be the most balanced and informed alternative for addressing the landscape level actions and protections scientifically documented and needed to reduce anthropogenic stressors on the Greater sage-grouse populations and habitats of this uniquely sensitive species and ecosystem.

Sincerely,

Ben Deeble, pres.

NORTHERN PLAINS
RESOURCE COUNCIL

June 13, 2024

Via BLM eplanning webpage
Utah State Office, ATTN: HQ GRSG RMPA
440 West 200 South #500, Salt Lake City, UT 84101

Northern Plains supports changes to enhance greater sage-grouse conservation through management of sagebrush habitats on BLM-managed lands. However changes should be based on listening sessions and in collaboration with agricultural producers and grazing allotment permittees. Additionally scientific information should majorly inform any decisions in order to enhance conservation while allowing for continued multiple use on BLM-managed lands. Finally conservation credits or carbon credit programs need additional development before they are utilized in Plan of development or environmental assessment contexts.

Under NEPA, BLM must evaluate potential impacts of the whole of the Snowy River Carbon Capture and Sequestration Project on wildlife, plants, and habitats in the project area. This includes species listed under the Endangered Species Act (ESA, and see section on ESA consultation below), as well as those that are not listed. Notably, the proposed Snowy River CCS proposed project area in Carter County, Montana includes numerous listed species as well as others, such as pronghorn (*Antilocapra americana*), mule deer (*Odocoileus hemionus*), and coyotes (*Canis latrans*).[1] Additionally, where listed species or designated critical habitat may be affected by the proposed project to be permitted, licensed or otherwise authorized by BLM, the agency must consult with the U.S. Fish & Wildlife Service (FWS) on impacts of the proposed project to protected species and habitat under the Endangered Species Act (ESA).[2]

BLM's Draft EA does not satisfy NEPA's "hard look" requirement. Under NEPA, BLM must analyze impacts on species from activities such as Project construction, noise, light pollution, traffic, and ongoing CO_2 injection and monitoring activities. Because the Project involves CO_2 pipelines, storage, and injection, this impacts analysis must include the risks to wildlife and plants from CO_2 leaks. Examples of CO_2 harms to wildlife and plants, and research on this topic which BLM must address in its NEPA review, include:

- Experiments with controlled injections of CO_2 into soil showed adverse effects on plants in response to CO_2 exposure. Biomass changes were seen in all plants studied; for example, clover plants decreased by 79% while grass decreased by 42%. The researchers' overarching conclusion was that elevated concentrations of soil CO_2 damages both soil microbiology and growing vegetation.[3]
- Other research on CO_2 and plants showed reduced plant growth and extensive mortality at the point with CO_2 concentrations were greatest in the soil. For the plants that survived, root and shoot growth was significantly lower than in controls.

[1] Revised Plan of Development at 5-7 (noting that a project surveyor observed 100 pronghorn in six groups, 70 mule deer were observed in five groups, and six coyotes were observed in five locations).
[2] 16 U.S.C. § 1536.
[3] Smith, K.L. et al., Environmental impacts of CO2 leakage: recent results from the ASGARD facility, UK, 37 Energy Procedia 791 (2013).

> Reproductive variables such as number of seeds per plant and seed dry weight per plant were also reduced compared to controls.[4]

BLM must also fully disclose and analyze the Project's impacts on federally-listed species, such as the greater sage-grouse (GRSG).[5] Denbury's surveys located significant sage-grouse activity in the region.[6] This species receives protection from Montana EO 12-2015, as well as from BLM's own resource management plans (RMPs).[7] BLM should ensure that approval of Denbury's permits is conditioned upon compliance with the content of those protective mandates.

Carbon Capture and Storage projects will significantly damage or impair habits which are vital to the life history and continued existence and recovery of the GRSG. There are as many as 40 leks within the area of interest surrounding the project.[8] Unfortunately, Denbury's findings are largely unverifiable because the exact locations of these leks have been redacted from the text of the report.[9]. Multiple leks are within very short distances of construction and disturbance with little to no buffer and a proposed project ROW.[10] The 2015 Miles City Field Office Approved RMP already announced that it was BLM's policy to avoid "major ROWs" within the species' habitat, and to either avoid "minor ROWs" entirely or allow them only "with design features."[11] BLM should explore strategies to ensure that the species retains extensive sagebrush landscapes capable of supporting a robust population during all seasons and to protect vital

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[4] Al-Traboulsi et al., Potential impact of CO2 leakage from carbon capture and storage (CCS) systems on growth and yield in spring field bean, 80 Environ. Exper. Botany 43 (2012).
[5] Revised Plan of Development at 5.2.1; *see also, e.g., id.* at 4-30 (noting the presence of greater sage-grouse leks).
[6] *See e.g.* Denbury Carbon Solutions, LLC, Snowy River CO2 Sequestration Project, *Updated Appendices I passim*; *M* at 2-1; *N* at 3-8.
[7] *See* BLM, Miles City Field Office Approved Resource Management Plan (2015) [hereinafter "2015 RMP"]; furthermore, BLM has given notice that it intends to strength GRSG protection in forthcoming "Greater Sage-grouse Land Use Plan Amendments," DOI-BLM-WO-2300-2022-0001-RMP-EIS, https://eplanning.blm.gov/eplanning-ui/project/2016719/510. [hereinafter "2021 GRSG Amendments"].
[8] Denbury Carbon Solutions, LLC, *Snowy River CO2 Sequestration Project, Updated Appendix I* – Sage Grouse Mitigation Approach at 10 – 13.
[9] *Id.*
[10] Denbury Carbon Solutions, LLC, Snowy River CO2 Sequestration Project, *Update Appendix I* at 13.
[11] 2015 RMP at 2-7.

breeding habitats. These strategies could include buffers;[12] a surface-disturbance cap;[13] seasonal restrictions;[14] and noise restrictions.[15]

BLM's note that "[a]lthough the proposed action would be in a PHMA [Priority Habitat Management Area], this proposed action is in compliance with BLM sage-grouse management decisions based on Denbury's implementation of avoidance measures and adherence to stipulations and mitigation requirements"[16] does not absolve the agency from evaluating impacts purportedly being mitigated, and does not satisfy the agency's statutory mandate to take a "hard look" at the impacts of the project on GRSG and its habitat. The project's impacts to priority habitat for this federally protected, imperiled species warrant thorough consideration in a full EIS.

Thank you for your consideration. If you have any questions or further communications, please reach out to Northern Plains organizer gusty@northernplains.org or (406) 248-1154.

Sincerely,
Edward Barta
Chair, Northern Plains Resource Council
220 S. 27th Street, Suite A
Billings, MT 59101

[12] The NTT (2011) report recommends a 4-mile lek buffer for siting industrial development in sage grouse habitat. (NTT) Sage-grouse National Technical Team. (2011). A Report on National Greater Sage-grouse Conservation Measures.; Aldridge and Boyce (2007) suggested that even larger buffers (10 km) are warranted. Aldridge, C. L., & Boyce, M. S. (2007). Linking occurrence and fitness to persistence: habitat-based approach for endangered greater sage-grouse. *Ecological Applications*, 17(2), 508-526; The bi-state forest plan amendment adopted a 4-mile buffer around leks. 2015 RMP at 5.

[13] *See* HCCA et al. Grand Mesa, Uncompahgre, and Gunnison National Forests Draft Plan Comments at 136. The Reading Room lists the author as Matt Reed, and organization as High Country Conservation Advocates (HCCA), date submitted as 11/24/2021.

[14] HCCA et al. (2021) at 105-07, 109, 111, 115, 119-20, 123, 125, 129-30. The need for such restrictions is reinforced by the findings in Denbury Carbon Solutions, LLC, Snowy River CO2 Sequestration Project, Appendix N – Winter Habitats Survey, which demonstrates how prevalent the species is within the project area during winter.

[15] Olnes and Hartmann, *Sagebrush Soundscapes and the Effects of Gas-Field Sounds on Greater Sage-Grouse*, Western Birds 52, at 23.

[16] DEA at 7.

SELECT FEDERAL NATURAL RESOURCE MANAGEMENT COMMITTEE

June 11, 2024

Tracy Stone-Manning
U.S. Department of Interior
Director (630), Bureau of Land Management
1849 C Street NW Room 5646
Washington D.C. 20240

Re: Comments on BLM Draft Greater Sage-Grouse Resource Management Plan Amendment and Environmental Impact Statement

Dear Director Stone-Manning,

Please accept the following comments of the Wyoming Legislature's Select Committee on Federal Natural Resource Management (Committee) on the Bureau of Land Management's (BLM) draft Greater Sage Grouse Resource Management Plan Amendment and Environmental Impact Statement (draft Plan). The Committee asserts that the increase in priority habitat management areas under the draft Plan will negatively impact Wyoming's energy industry; the draft Plan does not adequately address the management of invasive species, wildfires, and predators; the BLM should eliminate unacceptable requirements regarding existing range improvements; and Wyoming's state led sage grouse management efforts are sufficient.

I. The increase in priority habitat management areas under preferred Alternative 5 will negatively impact Wyoming's energy industry.

The BLM's draft Plan with preferred Alternative 5 increases the priority habitat management areas in Wyoming by 281,000 acres compared to Alternative 2, the no action alternative.[1] This increase in priority habitat management areas would bring more BLM administered land under the most restrictive sage grouse protections. The Committee is concerned that the increase in priority habitat management areas in Wyoming under Alternative 5 will negatively impact Wyoming's energy industry.

Under Alternative 5, oil and gas well development expenditures are expected to decrease under preferred Alternative 5 due to all the land designated as priority habitat management areas with no surface occupancy restrictions.[2] The reduction in oil and gas production revenue and well development expenditures are expected to result in approximately 2,000 fewer total jobs and decrease economic output by $695 million dollars compared with Alternative 1.[3] The decrease in oil and gas activity would result in total royalty revenue generated from oil and gas production to decrease by $23.9 million dollars, severance tax revenue to decrease by $8.6 million dollars, and ad valorem tax revenue to decrease by $9 million dollars as

[1] Draft Greater Sage-Grouse Resource Management Plan Amendment & Environmental Impact Statement Vol. I, ch. 2 at 2-12.
[2] *Id.* at Vol. I, ch. 4 at 4-175.
[3] *Id.* at Vol. I, ch. 4 at 4-176.

compared to Alternative 1.[4] This decrease in local and state revenues will harm the livelihoods of local communities. Local communities in Wyoming depend on mineral development and production and the increase in priority habitat management areas under Alternative 5 will be determinantal to these local communities and the economic well-being of the individuals within those communities.

Alternative 5 will also designate priority habitat management areas as avoidance areas for utility scale wind and solar energy development.[5] This restriction on wind and solar energy development in these areas will decrease the amount of land available to new development. As a result, there will be an increase in projects in areas adjacent to priority habitat management areas, which will increase density. In addition, it will cause the development of more complex projects and increase development costs. An increase in development costs and an increase in density of wind and solar energy development will negatively impact the number and scale of future wind and solar energy projects in Wyoming and place these future projects under a microscope.

II. The draft Plan does not adequately address the management of invasive species, wildfires, and predators.

The draft Plan outlines in great detail the threats to sage grouse including invasive species, wildfires, and predators. It explains how these threats result in the decline of sage grouse habitats and populations. However, the Committee is concerned that the draft Plan does not adequately address the management of invasive species, wildfires, and predators to reduce these major threats to sage grouse habitats and populations. The draft Plan briefly discusses that a wildfire management strategy is required to be implemented under certain alternatives including Alternative 5.[6] This wildfire management strategy will identify priority habitat management areas and implement strategies to reduce the threats to sage grouse from invasive annual grasses, wildfires, and conifer expansion.[7] But this strategy discussion is very limited. Similarly, the draft Plan only briefly discusses predator management by encouraging Wyoming to develop a predator management plan in stewardship habitat management areas to minimize the impact of predators on sage grouse.[8] The draft Plan outlines a few requirements for the predator management plans but falls short of providing adequate guidance.[9] The Committee asserts that the draft Plan should include more management strategies to address threats to sage grouse including invasive species, wildfires, and predators.

III. The BLM should eliminate unacceptable requirements in the draft Plan regarding existing rangeland improvements.

The draft Plan requires the BLM, during the grazing authorization renewal process, to "evaluate all existing livestock management range improvements with respect to their effect on sage grouse or sage grouse habitats."[10] The draft Plan specifically requires the BLM to identify existing fences in high-risk areas including within 1.2 miles of an active lek.[11] The draft Plan may require these existing fences to be removed or modified because of the fences being located in high-risk areas.[12] Modification of these existing fences may include "re-routing, altering construction materials, drop fencing, or limiting perch potential."[13] The

[4] *Id.*
[5] *Id.* at Vol. I, ch. 2 at 2-93.
[6] *Id.* at Vol. I, ch. 4, at 4-47.
[7] *Id.*
[8] *Id.* at Vol. I, ch. 2 at 2-191.
[9] *Id.*
[10] *Id.* at Vol. I, ch. 2 at 2-109.
[11] *Id.* at Vol. I, ch. 2 at 2-111.
[12] *Id.*
[13] *Id.*

Committee asserts that the mere presence of an active lek near existing fences is a clear indication that the improvement is not an interference. The Committee asserts that the BLM should eliminate the language from the draft Plan under preferred Alternative 5 requiring the removal or modification of existing rangeland improvements, including fences, due to the proximity of an active lek.

IV. Wyoming's state led sage grouse management efforts are sufficient and the BLM should continue to allow states to develop and implement a state-specific approach to sage grouse management.

The State of Wyoming implemented its sage grouse core area protection strategy in 2008 to prioritize the maintenance and enhancement of sage grouse habitats and populations inside those core protection areas. These core protection areas encompass approximately fifteen million acres of sage grouse habitat in Wyoming. The State revised its core protection areas in 2015 and 2019 and the State is currently undergoing further revisions to expand its core protection areas throughout the state. The State's proposed expanded core protection areas are similar in size and location to the lands designated in the BLM's preferred Alternative 5 priority habitat management areas.[14] In addition, the restrictions imposed in the priority habitat management areas are also similar to the restrictions imposed in the State's sage grouse core protection areas. For example, they both place no surface occupancy restrictions on fluid minerals within 0.6 miles of sage grouse leks and the area outside of the 0.6 mile buffer has seasonal limitations.[15] The Committee asserts that Wyoming's state led sage grouse management efforts are sufficient. These state led efforts are proven in sage grouse management and science. The State's methods and strategies have helped keep sage grouse from being listed under the Endangered Species Act. The BLM's draft Plan is implementing a one-size-fits-all approach to sage grouse management on BLM administered public lands in ten western states. The BLM's draft Plan contains some state specific provisions but, the Committee believes the BLM should continue to allow Wyoming to implement and improve its state specific approach to sage grouse management. The BLM's draft Plan should not impede Wyoming's state specific approach and allow Wyoming to continue to adequately address sage grouse habitats and populations.

V. Conclusion

The Committee carefully considered the BLM's draft Plan with preferred Alternative 5 and heard extensive testimony from various stakeholders at its June 2024 meeting. After reviewing the draft Plan, the Committee believes the increase in priority habitat management areas under Alternative 5 will negatively impact Wyoming's energy industry and the draft Plan does not adequately address the management of invasive species, wildfires, and predators. In addition, the BLM should eliminate the requirement requiring the removal or modification of existing range improvements due to the proximity of an active lek and should continue to allow Wyoming to implement its state led sage grouse management efforts. The Committee appreciates the BLM's willingness to review and address the Committee's concerns.

Sincerely,

Senator John Kolb
Co-Chairman

Representative Scott Heiner
Co-Chairman

[14] *Compare* Draft Greater Sage-Grouse Resource Management Plan Amendment & Environmental Impact Statement Vol. II at Map 2.5 *with* State of Wyoming Proposed Sage-Grouse Core Revisions Map.
[15] Draft Greater Sage-Grouse Resource Management Plan Vol. I. at 2-14; Executive Order 2019-3, Appendix E, at 7.

May 14, 2024

Submitted via email only

U.S. Department of the Interior
Bureau of Land Management
ATTN: HQ GRSG RMPA
BLM_HQ_GRSG_Planning@blm.gov

RE: Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning

Dear BLM

Cahill Ranches. Inc. ("Cahill Ranches") respectfully provides comment on the Bureau of Land Management's greater sage-grouse Draft Resource Management Plan Amendment ("Draft RMPA"), 89 Fed. Reg. 18,963 (Mar. 15, 2024).

Interest of Cahill Ranches

Cahill Ranches Inc. is a family owned and operated ranch located in Adel, Oregon. Grazing on federal lands in our region is historic and important to the local rural economy. Cahill Ranches has held a federal grazing permit for over 50 years on the 18,678-acre Rahilly-Gravelly grazing allotment, which is located within the BLM's Lakeview Resource Area in southeastern Oregon. In 2003, the allotment became part of a Research Natural Area ("RNA") when BLM adopted the 2003 Lakeview Resource Management Plan, and grazing has continued under the plan as a compatible use.

Cahill Ranches has commented and actively participated throughout the sage grouse resource management planning process. The BLM's 2015 sage grouse plan would have eliminated grazing from "key" RNAs, including from the vast majority of the 8.282-acre Sucker Creek pasture on the Rahilly-Gravelly allotment, despite exemplary management of the allotment, evidence indicating sage grouse habitat was actually improving under our management, and input from the Oregon Department of Fish and Wildlife recommending against closing the Rahilly-Gravelly RNA to grazing.

BLM's 2019 sage grouse plan amendment reversed the direction to close Oregon's key RNAs to grazing, but was enjoined by a federal district court in Idaho for other reasons, leaving the 2015 plan in place. Cahill Ranches has opposed litigation seeking to force BLM to implement the grazing closures on "key" RNAs identified by the 2015 plan and filed its own lawsuit seeking to the preclude the unwarranted elimination of grazing from the Rahilly-Gravelly allotment. *Cahill Ranches, Inc.* v. *BLM,* No. l:17-cv-960 (D. Or.).

Cahill Ranches hereby incorporates by reference its prior comments upon BLM's 2015 and 2019 planning decisions, which further articulate the issues posed by the 2015 plan.

Comments

Site-Specific Assessment Required Before Reducing Grazing

Cahill Ranches is generally supportive of aspects of Alternatives 2 and BLM's preferred alternative. Alternative 5. In particular, the BLM's Draft RMPA appropriately emphasizes that livestock grazing decisions in sage grouse habitat should and must be based on an assessment of site-specific conditions. BLM's prior direction in the 2015 sage-grouse plan for Oregon contemplated elimination of grazing from certain RNAs without engaging in this site-specific analysis.

BLM is right to require such assessments to happen prior to deciding whether to adjust grazing management (or make areas unavailable to grazing). In so doing, the Draft RMPA better aligns with the BLM's statutory and regulatory authority for grazing management and RNAs under the Federal Land Policy and Management Act and other authorities. As noted, properly managed grazing can be compatible with sage-grouse and habitat conservation. Retaining livestock grazing on all or the large majority of acres on the Rahilly-Gravelly RNA specifically, where Cahill Ranches has long responsibly grazed livestock and where conditions are stable or trending upwards, is therefore appropriate under either Alternative 2 or Alternative 5.

Elimination or reductions in livestock grazing should occur only where resource conditions are not being met and grazing is found to be a significant causal factor, per 43 CFR Part 4180.

Rahilly-Gravelly RNA Conditions

The 2019 sage-grouse plan amendment correctly recognized that the Rahilly Gravelly allotment, including the Sucker Creek pasture that overlaps the RNA, is meeting all standards for rangeland health; that the allotment continues to demonstrate "functioning plant communities rich in forbs, cover for Greater Sage-Grouse, and low cover of invasive species"; and that grazing levels are "maintaining the RNA elements." 2019 PRMPA/FEIS at 4-15. The Oregon Department of Fish and Wildlife also has recognized that the Rahilly-Gravelly allotment is in "good to excellent" ecological condition.

Managing key RNAs as unavailable for grazing has not been shown to have benefits for sage grouse and the best available science indicates that eliminating moderate grazing will often increase the risk of loss of habitat from rapidly spreading and intense wildfire and may lead to expansion of annual grasses, which is one of the top three identified threats to GRSG. Draft RMPA at 17-2 ("vulnerability to wildfire may increase as fine fuel loads build in the absence of grazing").

It also made little sense to remove grazing from a large tract of the Rahilly-Gravelly RNA, given that the vast majority of the acres protected as part of the Rahilly-Gravelly RNA/ACEC are focused on protecting cultural resources and just 1,400 acres of the RNA are focused on protecting plant communities. Draft RMPA at 17-46. Further, entirety of the Rahilly-Gravelly RNA does not present unique research, given the availability of the Hart Mountain

National Antelope Refuge and other similar areas for use for ungrazed reference areas and GRSG research.

Cahill Ranches supports the option discussed in Alternative 2 to make the key RNAs in Oregon available to livestock grazing across the board. BLM has existing tools to manage for sage grouse conservation without having to make the key RNAs or portions thereof completely unavailable to livestock grazing. Additionally, as discussed above, BLM's statutory and regulatory authority provide that the agency should and must make grazing decisions based on the actual conditions on the ground and should only reduce livestock grazing where it has been found to be a causal factor in failing to meet range health standards.

To the extent BLM may lawfully make portions of the key RNAs unavailable to grazing without making such findings, those decisions should still be based on allotment-specific considerations and made at the minimum feasible level. The Draft RMPA's Alternative 5 appears to do just that by more narrowly tailoring the area in which livestock grazing will be unavailable on the Rahilly-Gravelly RNA to protect the limited areas of the RNA that were actually designated for protection of plant communities that may be beneficial to sage grouse.

Sincerely,

Joe Cahill

Joe Cahill
Cahill Ranches

CUSTER COUNTY COMMISSIONERS
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May 13, 2024

Sylvia Copeland, CWB
Sage-grouse NEPA and Mitigation Specialist
Idaho BLM State Office
1387 S Vinnell Way
Boise, ID 83709

RE: Custer County Cooperating/Coordinating Agency Comments – 2024 Sage Grouse EIS ACECs

Ms. Copeland,

Please consider the following comments from Custer County, Idaho (herein referred to as Custer County), a cooperating and coordinating agency in the current and past sage-grouse NEPA analyses, planning and implementation actions since 2013. All previous Custer County comments on items below are incorporated by reference.

Regarding the areas of critical environmental concern (ACECs) proposed in the EIS, Custer County supports limiting ACECs to the maximum extent possible.

ACECs should be reserved for land that does not have protection beyond general multiple use, where that land is deemed significant and in need of protection of important historical, cultural, and scenic values, or fish and wildlife or other natural resources.

In the case at hand, the land proposed for ACECs in Alternatives 3 and 6 is already being proposed for protecting sage-grouse. The use of ACECs in the current 2024 Sage Grouse EIS dilutes the meaning of ACECs and increases the risk of losing the ACEC category all together.

If ACECs are thrown over the top of Endangered Species Act protective measures for habitat, there is less reason for BLM to even retain the ACEC designation category going forward.

We recommend reserving ACEC protection for lands that do not already have heightened protection due to species such as the sage-grouse.

Respectfully Submitted on Behalf of Custer County, Idaho
Board of Commissioners

Mary Darling, Natural Resource Consultant
Darling Geomatics

cc:

Patricia Deibert, National Sage-grouse Coordinator (Acting)
440 W 200 S Suite 500, Salt Lake City, Utah 84101
BLM_HQ_GRSG_Planning@blm.gov

USDI, BLM
Peter Ditton, Acting BLM Idaho State Director
Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

June 13, 2024

The Honorable Tracy Stone-Manning
Director
Bureau of Land Management
U.S. Department of the Interior
1849 C Street NW, Room 5646
Washington, DC 20240

Re: EMA Comments on Greater-Sage Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement

Dear Director Stone-Manning:

The Essential Minerals Association (EMA) writes to the Bureau of Land Management ("BLM" or "the Bureau") with comments regarding BLM's Greater-Sage Grouse Draft Resource Management Plan and Environmental Impact Statement (DRMPA/EIS) as published on March 15, 2024 on the Bureau's ePlanning page.[1]

Introduction

EMA is the representative voice of more than 80 companies that extract, process, and support a vital and beneficial group of raw minerals that are the essential ingredients for many of the products used in everyday life. Our companies and the people they employ are proud of their industry and the socially responsible methods they use to deliver these beneficial resources.

The minerals produced by EMA's members are vital to the manufacturing processes for many, if not all, of the products we use every day. They are used in the production of food supply chain elements (agricultural feed, human baking products, and water purification needs), batteries, protective masks, dialysis machines, semiconductors, solar panels, glass, ceramics, paper, plastics, rubber, detergents, insulation, pharmaceuticals, cosmetics, foundry cores and molds used for metal castings, paints, filtration, metallurgical applications, refractory products, and specialty fillers. These are just a few of the many uses of our members' minerals. Every sector of industry relies on a variety of essential minerals to generate their end products, making a robust and stable supply chain critical for the continued growth and success of our economy as well as our national security.

The mining industry operates under a complex system of environmental regulations drafted and enacted by local, state, tribal, and federal governments. Such regulations are a necessary part of doing business in the United States. The regulatory framework in this country ensures that businesses, such as mine operators, work under the explicit expectation that the environmental impacts will be as minimal as possible. These expectations are established during the permitting process and continue over the lifetime of the project through the enforcement of the germane statutes and regulations. Through the permitting process for mines, operators make a good-faith commitment to limiting impacts and mitigating those that

[1] https://eplanning.blm.gov/eplanning-ui/project/2016719/510

are unavoidable, prior to even breaking ground. These activities, along with other necessary steps during this process, cost millions of dollars before production can even begin.

Many EMA members operate on federal lands overseen by BLM to produce essential mineral resources. These lands include areas within the habitat of the Greater-Sage Grouse (GRSG). Thus, any significant changes to BLM resource management or land use policies relating to GRSG and/or its habitat will have a dramatic impact on EMA member companies. Our members take their commitments to environmental stewardship and responsible operation very seriously, and have even been recognized by BLM for their efforts in doing so.

EMA appreciates the need for reasonable and practical approaches to protecting GRSG and its habitat while also allowing responsible mining operations – many of which already coexist with GRSG populations and habitat – to continue so that our nation can have strong domestic supplies of essential mineral resources. Unfortunately, the DRMPA/EIS fails to strike this proper balance and contains several provisions that would be severely and unduly harmful to our members' domestic mineral mining operations that supply resources that are crucial to our national defense and economy, as well as the green energy transition. Therefore, EMA respectfully requests BLM undertake the following actions: withdraw the DRMPA/EIS' Preferred Alternative for the reasons described below; adopt a new Preferred Alternative more aligned with Alternative 2, the No Action Alternative which implements the 2019 reforms for GRSG management which were adopted in collaboration with Western states; and ensure that the Preferred Alternative of the Final RMPA/EIS does not include any elements of Alternative 3, which would be extremely harmful to EMA's members and the minerals mining sector.

The DRMPA/EIS Would Prohibit New Nonenergy Leasable Mineral Leases

The DRMPA/EIS poses a considerable threat to the future viability of nonenergy leasable minerals on BLM land. The Preferred Alternative (Alternative 5) would close all GRSG habitat designated as Priority Habitat Management Areas (PHMAs) to new leases of nonenergy leasable minerals, subject to some exceptions for specific states.[2] Application of BLM's 3 percent disturbance cap in PHMAs and lek buffers in both PHMA and General Habitat Management Areas (GMHAs) would also further restrict nonenergy leasable minerals by "preventing or restricting new surface development and reducing ultimate recovery of the resource."[3] This is an excessively restrictive approach to leasable minerals in GRSG habitat which could be very harmful to EMA members who mine leasable minerals such as trona and gilsonite.

The leasable minerals produced on federal lands by EMA members are essential for a plethora of economic sectors, including the Biden Administration's green energy and infrastructure priorities. For example, trona is a key component of lithium batteries for electric vehicles, while gilsonite is used to construct or repair roads and highways. The closure of large tracts of western states to these and other non-energy leasable mineral resources will significantly harm our economy and increase the need to import these minerals from foreign hostile nations such as China and Russia. This will exacerbate our current mineral supply chain crisis and hinder the Biden Administration's effort to accelerate the green energy transition.

Further, such vast closures are unnecessary. EMA members' operations in western states routinely coexist with GRSG without causing excessive harm or degradation to the species or its habitat. As previously stated, EMA members take great pride in their environmental stewardship while also taking care to comply with all stipulations and conditions of the permits and leases they receive from BLM and

[2] Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement, Page 2-15
[3] Ibid, Page 4-97

from state agencies – the latter of whom are currently responsible for managing the GRSG – before and during operations. EMA members have also undertaken specific measures to protect and aid local GRSG populations, including installing guzzlers to provide water sources for GRSG, conducting physical searches for leks before disturbing a new area, delaying operations to allow local eggs to hatch and the birds to depart, and timing and seasonal limitations as part of agreements with state agencies. There is no reason to believe this would not continue to be the case going forward, thus making it unnecessary for such a blanket prohibition of new leases.

Moreover, the DRMPA/EIS contradicts the necessity of such blanket leases by the fact that the Preferred Alternative provides exceptions to the prohibition of new leases in nearly half of all GRSG habitat states. This includes the Known Sodium Leasing Area (KSLA) in Wyoming as well as all Idaho Habitat Management Areas (IHMAs) in that state.[4] In both states, lands will continue to have new leases subject to conditional requirements. Exceptions are also included for California and Nevada. The fact that this many states have at least some exceptions to the cessation of new leases clearly demonstrates that such mining is capable of coexisting alongside GRSG and their habitat, and that BLM is capable of properly managing both GRSG protection and mineral development. Thus, the vast closure and prohibitions of new leases for nonenergy leasable minerals in PHMA is unnecessary and should be removed from any final RMP/EIS.

Of all the alternatives considered in the DRMPA/EIS, Alternative 2 is the least harmful to EMA members and their operations in this regard because it has more exceptions than the Preferred Alternative. However, even Alternative 2 includes the vast closures found in the Preferred Alternative, while Alternative 3 is the most categorically restrictive. 3. EMA therefore recommends that BLM construct its Final Preferred Alternative in such a manner to adopt most of Alternative 2 but with a revision to state that all GHMA should be open with possible conditions, that all designated areas for non-energy leasable minerals such as the KSLA are open for new and expansion of all existing leases, and PHMA be open to possible consideration of operations subject to specific, appropriate conditions and limitations. The Bureau should also refrain from incorporating any aspect of Alternative 3 into the Final Preferred Alternative.

The DRMPA/EIS is Ambiguous and Contradictory on SFAs and Withdrawals for Locatable Minerals in GHMAs

Locatable minerals mined and processed by EMA members on BLM lands also face challenges under the DRMPA/EIS' Preferred Alternative. While the DRMPA/EIS' Preferred Alternative does not list any withdrawals of PHMAs from mining of locatable minerals, the document is both confusing and contradictory regarding how this issue will be handled in GHMAs. Specifically, on page 2-18 when comparing each alternative's impact on locatable minerals in GHMAs, Alternative 1 states "Locatable minerals: SFAs were recommended for withdrawal from location and under the Mining Law of 1872. The BLM applied for a withdrawal pursuant to 204(a) of FLPMA and the Secretary initiated the withdrawal process for those lands. That process is currently underway.[5]" The Preferred Alternative indicates it will manage this issue in a manner identical to Alternative 1. This is an obvious reference to the BLM's pending effort to withdraw 10 million acres across the West from location of mineral resources due to being designated as Sagebrush Focal Areas (SFAs).[6] However, a few pages earlier on page 2-13, the DRMPA/EIS states that under the Preferred Alternative "No areas would be identified or managed as SFAs." This discrepancy begs the question of how BLM can be planning to withdraw millions of acres of

[4] Ibid
[5] Ibid, Page 2-18
[6] 86 FR 44742-44743

SFAs from locatable minerals in conjunction with a DRMPA/EIS for the Sage Grouse whose preferred alternative does not utilize that designation at all.

Such contradictions in the DRMPA/EIS create confusion and uncertainty for those in the locatable minerals sector, including many EMA members whose operations are vital to the economies of many small communities in the West as well as that of the entire nation. However, it is difficult for those entities to make long term business decisions about continued and/or future investment in mining on federal lands in GRSG states when the RMPA/EIS contradicts itself about the possibility of withdrawals.

Moreover, the fact that BLM sees a need to withdraw acres in GHMA but not in the ostensibly more important PHMA is confusing. The DRMPA/EIS defines PHMA in part as "areas that include all the seasonal habitats for the corresponding Greater Sage-Grouse populations, including breeding, late brood-rearing, winter areas, and migration or connectivity corridors"[7] and defines GHMA as "Occupied (seasonal or year-round) habitat outside of priority habitat."[8] Yet, BLM only seeks to engage in a large-scale withdrawal for the acres which are less frequently occupied by GRSG and/or do not include as many of the season habitats for the species.

To be clear, EMA is opposed to the SFA withdrawal in any form, be it in PHMA or GHMA. However, it is particularly perplexing that BLM has recommended the withdrawal take place in habitat which is less crucial to the GRSG while the higher priority PHMA has no such restriction. In Chapter 1, BLM includes "GRSG habitat management area alignments (i.e., to incorporate new science and improve alignment along state boundaries) and the major land use allocations therein, including criteria-based management for non-habitat within the habitat management areas" in its range-wide management actions for the DRMPA/EIS.[9] However, this is in contradiction to BLM's recommendation for highly restrictive action like a withdrawal to be implemented in habitat which has less need of such protections due to its secondary importance to the species.

This begs the question of why BLM would propose to impose heavy restrictions in habitat which is less crucial for the GRSG. The DRMPA/EIS provides no clarity as to this decision, but what is clear is that EMA members would lose the ability to responsibly conduct locatable mineral operations across millions of acres because of this withdrawal and its integration into the RMPA/EIS. We can therefore only conclude that this is an effort by BLM to block off millions of acres to domestic mineral development, which is in direct contradiction to BLM's multiple use mandate.

Such withdrawals would have significant negative impacts on the locatable minerals industry, as the RMPA/EIS itself notes in Chapter 4.[10] Withdrawals take vast acres of federal lands out of entry and location for locatable mineral producers, which in turn limits the ability of domestic manufacturers who rely on such minerals to access domestic material sources. This will then require further dependence on sources from foreign hostile nations such as Russia and China, in direct contradiction to the Biden Administration's stated goals of better securing our domestic mineral supply chains.

Even a recommendation for withdrawal, such as the example of the SFA areas discussed above, has negative impacts on U.S. mineral producers and the communities which depend upon them. BLM claims in Chapter 4 that such recommendations have no effect because no actual withdrawal has yet occurred, but this ignores the fact that a withdrawal proceeding rarely results in a denial of BLM's recommendation,

[7] Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement, Page Glossary-6
[8] Ibid, Page Glossary-3
[9] Ibid, Page ES-2
[10] Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement, Pages 4-106 and 4-107

making it a strong precursor to a withdrawal. This signal often forces mineral producers to reevaluate their resource allocation and investment strategies away from BLM lands on which they currently or had planned to conduct operations.

The uncertainty of a withdrawal, and the likely land use prohibitions which would accompany it, create too much risk for a company to continue investing in mineral extraction on federal lands. Companies may cease operations on federal lands even where no withdrawal is being considered, further diminishing the opportunity for the responsible mining of essential mineral resources. This scenario is unacceptable both for EMA members and for the economic and strategic interests of our country. Responsible mineral development has and still is occurring alongside the GRSG, and BLM should not take such overly broad steps to restrict locatable mineral mining to manage GRSG or its habitat.

By contrast, Alternative 2 does not include the withdrawal recommendation or any use of SFAs for such a withdrawal. EMA supported this when BLM adopted it as part of the Preferred Alternative in the 2019 RMPAs, and our members have successfully operated under its adoption since that time. By contrast, Alternative 3 would recommend *all* PHMA be withdrawn from location and entry under the General Mining Law. This is the most unacceptable alternative, and it should not be included in any final RMPA/EIS. EMA recommends that BLM adopt Alternative 2's provisions for locatable minerals in any final RMPA/EIS and reject any inclusion of Alternative 3.

The DRMPA/EIS Includes Compensatory Mitigation Which is Not Authorized by FLPMA

Another problematic issue with the DRMPA/EIS is its heavy use of compensatory mitigation. The document's Planning Criteria makes it clear that BLM's authority to do so lays in the Federal Land Policy and Management Act (FLPMA).[11] The Bureau later discusses how the DRMPA/EIS will implement a mitigation hierarchy for any impacts from human activity on GRSG or their habitat, including the use of compensatory mitigation.[12] Specifically, Section 2.5.3 describes how BLM will include compensatory mitigation in its mitigation hierarchy when authorizing uses of public lands. The DRMPA/EIS also states that compensatory mitigation should be "…completed prior to associated actions occurring.[13]" However, this is inherently contradictory since compensatory mitigation is not authorized by FLPMA.

The word "compensatory" does not appear in the FLPMA statute at all, and the word "mitigation" only appears three times, two of which refer to mitigating the financial impact of federal lands being nontaxable by states, and the other is a reference to mitigation of impacts in the Forest Research Natural Area in Alaska.[14] The Bureau's desire to mandate compensatory mitigation as part of GRSG management as envisioned in the DRMPA/EIS has no statutory basis in FLPMA.

As BLM confirmed in issuing Instruction Memorandum (IM) 2019-018, "FLPMA does not explicitly mandate or authorize the BLM to require public land users to implement compensatory mitigation as a condition of obtaining authorization for the use of the public lands."[15] In the IM, BLM goes on to note that compensatory mitigation can be allowed or even required if mandated by state law or other federal statutes, or if a project applicant voluntarily offers to provide it. However, those are all legally and factually different from the DRMPA/EIS' requirement for project applicants to provide compensatory mitigation based on the Bureau's FLPMA authority. If BLM believes that it should have the authority to

[11] 43 U.S.C. Sec. 1701-1787
[12] Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement, Pages 2-22 through 2-24
[13] Ibid
[14] 43 U.S.C. Sec. 1785
[15] Instruction Memorandum 2019-018 *Compensatory Mitigation*

require compensatory mitigation for projects or uses of public lands, the Bureau should petition Congress to enact legislation granting it such authority. However, since Congress has not yet done so, BLM cannot require the kind of compensatory mitigation that the DRMPA/EIS calls for.

In addition, requiring compensatory mitigation payments before an activity has begun – and thus before any real effects have occurred – would create a "pay-for-play" system whereby EMA members seeking mining permits could be required to "offset" impacts of their project with payments for conservation of areas beyond their operations site. Such a system would create yet another financial and bureaucratic barrier to entry to EMA members seeking new permits or expansions of existing projects.

If BLM makes such offsite compensatory mitigation projects a precondition for permits, EMA members and other applicants would be forced to invest even more upfront capital in addition to paying for all environmental reviews required under FLPMA and the National Environmental Policy Act (NEPA) with no guarantee that the permit will be granted. Many EMA members already face permit timelines of ten years or more, and this is already a deterrent to investment in these essential mineral resources.

Finally, the DRMPA/EIS' language explaining when compensatory mitigation will and will not be required is unclear and contradictory. In Section 2.5.3 discussing how mitigation would be implemented under the various alternatives, BLM goes into detail describing how they will implement the mitigation hierarchy for Alternatives 3-6, including Alternative 5, the Preferred Alternative. The hierarchy described includes compensatory mitigation as well as when and where it would be required. However, BLM then states that "Compensatory mitigation is not required by the BLM for operations conducted under the Mining Law of 1872, but operators may always voluntarily engage in compensatory mitigation."[16]

The meaning of this sentence is unclear. Is BLM referring to the fact that the General Mining Law does not specifically give BLM authority to require compensatory mitigation? Or is BLM saying that it could require compensatory mitigation but is choosing not to? If it is the former, that creates another question of inconsistency in the DRMPA/EIS. As discussed above, FLPMA does not explicitly authorize BLM to require compensatory mitigation, yet BLM proposes to do so as a matter of course. The Bureau then proposed to use that same perceived FLPMA authority throughout the DRMPA/EIS to impose a mitigation hierarchy that includes compensatory mitigation. It is curious that BLM would suddenly be deterred by lack of specific statutory authorization when the Bureau already operates without it. If BLM believes it cannot require operators conducting mining under the General Mining Law to provide compensatory mitigation because that law does not require it, BLM should remove any requirement of it under FLPMA as well. To do otherwise would be legally and logically inconsistent.

If the latter is the case, BLM should state it more clearly. This is done earlier in this section when BLM says that "Compensatory mitigation **will not** be required for activities implemented to conserve species listed as threatened or endangered under the Endangered Species Act (emphasis added)."[17] This is a much clearer indication of the direction BLM will go when implementing the RMPA/EIS in this regard. If BLM is planning to take the same approach with the General Mining Law, it should use the same verbiage to clarify it will not require compensatory mitigation for such projects in the future. Saying that something is not required under a statute is not the same as saying that BLM will not require it for cases where the statute applies. The difference is key for EMA members and others doing locatable mining projects on BLM lands. They must have complete clarity of any requirements BLM will make of them when operating under the terms of the GRSG management plans. BLM should more clearly and explicitly state its intent in this regard in the final RMPA/EIS.

[16] Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement, Pages 2-22 through 2-24
[17] Ibid

Further, in the section of Table 2-5 after the passage about the General Mining Law, BLM repeats how the mitigation hierarchy will be applied, including compensation. This creates even more confusion as to if, when, and how BLM will be requiring compensatory mitigation. The Bureau should revise this entire section of the DRMPA/EIS to make the requirements for compensatory mitigation clear, legally sound, and consistent.

Alternative 2 adopts the GRSG management practices from the 2019 RMPA/EIS, in which BLM tailored mitigation requirements per the requests of Western states to conform to their specific state laws as well as GRSG habitat situations. In most states, this requirement consisted of only a no net loss standard or a stipulation that BLM would not require compensatory mitigation under FLPMA at all but would enforce any that was required by other federal statutes or state law. EMA supported this approach when it was adopted in 2019 and recommends BLM continue to implement it by replacing the current Preferred Alternative with Alternative 2's mitigation language for the final RMPA/EIS.

There should be no Areas of Critical Environmental Concern (ACECs) in Final RMPA/EIS

BLM has shown an increased willingness to more aggressively designate ACECs in order to restrict land uses that would otherwise take place across the West, including mining. The Bureau's recently finalized rule on Conservation and Landscape Health[18] greatly expands BLM's criteria for areas to be designated as ACECs, and Alternatives 3 and 6 of the DRMPA/EIS list areas of GRSG habitat which would become ACECs if those alternatives were adopted. As detailed in our comments in opposition to the draft Conservation and Landscape Health rule, EMA opposes such an expansion of ACEC criteria.

Although the Preferred Alternative does not include any additional ACECs, Appendix 5 of the RMPA/EIS identifies areas across the GRSG range that have been either externally nominated or recommended by BLM for ACEC consideration under at least one alternative, portions of which could all be combined into a new Final Preferred Alternative in the Final RMPA/EIS. These possible ACECs include areas where EMA members have considerable mineral operations which would be negatively impacted by such designations. EMA supports the absence of ACECs in the Preferred Alternative and requests that BLM maintain this provision in its Final Preferred Alternative. BLM should also refrain from incorporating any aspects of the ACEC language in Alternatives 3 or 6 into any Final RMPA/EIS.

Conclusion

The DRMPA/EIS fails to strike the needed balance between effective GRSG management and continued multiple use of BLM lands by a variety of stakeholders, including EMA members conducting mining operations there. As described above, the DRMPA/EIS contains several provisions which are unduly harmful to the mining industry and stand in contrast to the effective coexistence of the GRSG and mining operations that occurs every day across the West on BLM lands. The Preferred Alternative poses significant threat to the continued viability of both locatable and leasable minerals in the West, meaning that its adoption in the Final RMPA/EIS will result in domestic mineral companies leaving federal lands, thus decreasing domestic mineral production. This in turn will result in greater dependence upon foreign hostile nations such as Russia and China for those minerals, which are vital to every sector of our lives, including the Biden Administration's efforts to advance renewable energy.

It is possible for BLM to take necessary measures to manage GRSG and their habitat without weaponizing such protections to drive the mining industry off federal lands, which will be a likely

[18] 89 FR 40308-40349

outcome should the draft Preferred Alternative be finalized and implemented. This is both unacceptable and unnecessary, and BLM can and must craft an RMPA/EIS that can strike the proper balance of protection of GRSG and production of essential mineral resources. We urge BLM to do so by adopting a modified version of Alternative 2 as the Preferred Alternative in the Final RMPA/EIS for GRSG.

Please do not hesitate to reach out if we can be helpful in any way on this matter.

Sincerely,

Chris Greissing
President
Essential Minerals Association
chrisgreissing@essentialminerals.org

MONTANA MINING ASSOCIATION

P.O. Box 4652, BUTTE, MT 59702, www.montanamining.org

May 14, 2024

Director Tracy Stone-Manning
US Bureau of Land Management
1849 C Street NW
Washington, DC 20240

Re: Request for Extension of Public Comment Period on Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Range-wide Planning and Areas of Critical Environmental Concern

Dear Director Stone-Manning:

The Montana Mining Association ("MMA") respectfully requests that the Bureau of Land Management ("BLM") extend the time for public comment for the draft Resource Management Plan Amendments and Environmental Impact Statement ("Draft RMPA/EIS") for BLM's Greater Sage-Grouse range-wide planning effort by **180 days**. MMA also requests the time for public comment on the proposed Areas of Critical Environmental Concern ("ACEC") be extended so that comments on both planning efforts are explicitly due on the same day.

The MMA is made up of more than 80 members, and is dedicated to assisting mining companies, small miners, and allied trade members to succeed in Montana's complex business and regulatory environment. The primary purpose of MMA is to protect and promote responsible mining in Montana, which collectively creates over 18,000 jobs within the State. MMA members are engaged across the mining industry in Montana, from exploration and discovery to development and construction, to operation and production, to closure and reclamation. MMA provides a voice for Montana's mining industry in federal, state, and local policy matters, community engagement, public education, and workforce development. Many of MMA's members operate on federal lands where Greater Sage-Grouse habitat may be located, and they will therefore be directly affected by this proposal. MMA and its members are working diligently to review and understand the extensive nature of the documents referenced herein so that we can provide specific, substantive and hopefully constructive comments, but the sheer volume of complex information contained in the analysis and plans makes the current timelines unworkable for us and many others.

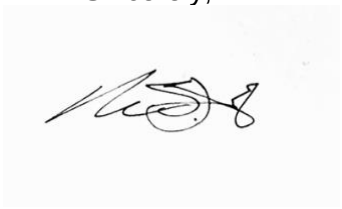
BLM published the Draft RMPA/EIS and proposed ACECs in the Federal Register on March 15, 2024. The 90-day public comment period for the Draft RMPA/EIS currently runs through June 13, 2024, and the 60-day public comment period for the proposed ACECs runs until May 14, 2024. This review and comment period is simply insufficient to review and comment on the 2,000+ page technical document, in addition to several thousands of pages of reports, scientific studies, GIS files, and other supporting materials.

Further, BLM has been delayed in posting the public meeting materials, which need to be reviewed for consistency with the documents as errors between the two have already been flagged (such as the April 9, 2024, virtual meeting's representation that Alternative 5 contained 11,139,427 acres of new ACECs, which conflicts from the Draft RMP/EIS).

In effect, these narrow opportunities for public comment do not comport with basic notice and comment principles of due process and do not allow our association, which again, represents citizens and businesses who will be directly affected by the proposed changes the necessary time to comment.

We appreciate your attention to and earnest consideration of this request.

Sincerely,



Matt Vincent,

Executive Director

Tracy Stone-Manning
U.S. Department of Interior
Director (630), Bureau of Land Management
1849 C Street NW Room 5646
Washington D.C. 20240

June 12, 2024

Re: Comments on BLM Draft Greater Sage-Grouse Resource Management Plan Amendment and Environmental Impact Statement

Dear Director Stone-Manning,

Please accept my comments and concerns about the current *'Bureau of Land Management's (BLM) draft Greater Sage Grouse Resource Management Plan Amendment and Environmental Impact Statement (draft Plan)'*.

Specific areas of Wyoming are currently having their area BLM RMP plans modified. The new restrictions with those plans alone are going to have huge consequences on the people and the state of Wyoming. These other plans will directly impact the energy, industry and agriculture economy of Wyoming. The BLM's chosen *'Alternative 5 of the Greater Sage Grouse Resource management Plan'* if implemented will add another huge blow to Wyoming's struggling economy and people.

I recently had the opportunity to review the *Wyoming Legislature's 'Select Committee on Federal Natural Resource Management Committee'* comments on the Bureau of Land Management's (BLM) draft Greater Sage Grouse Resource Management Plan Amendment and Environmental Impact Statement (draft Plan). I have also had the opportunity to visit with Representative Scott Heiner who co-chairs this committee. The committee asserts that the increase in priority habitat management areas under this draft Plan will negatively impact Wyoming's energy industry; that the draft Plan does not adequately address the management of invasive species, wildfires, and predators; that Wyoming's state led sage grouse management efforts are sufficient. I would like to state the comments and concerns I have about the BLM chosen Alternative 5. Many of these are the same as this committee has expressed in their comments.

I believe that BLM has again chosen the most restrictive of their possible options, Alternative 5, when there are other options that would work better for the economy of Wyoming, the people of Wyoming and even for the land and the Sage Grouse population itself in Wyoming.

Comment 3:

I agree with *the Wyoming Legislature's 'Select Committee on Federal Natural Resource Management Committee'* comment that the BLM's one-plan-fits all for 10 different states will cause economic harm to the people, communities and industries in Wyoming. This is an unnecessary consequence for the state of Wyoming since Wyoming is currently implementing their state plan that is highly successful in protecting the sage grouse and its environment proved by the fact that they are not on the endangered species act.

The increase in priority habitat management areas under preferred Alternative 5 will negatively impact Wyoming's energy industry.

I believe that the BLM's draft Plan with preferred Alternative 5 will negatively impact the economy and livelihoods of the residents of the state of Wyoming. As a result affecting the physical health, mental health and safety of the communities and people within the state of Wyoming. This preferred draft Plan with the preferred Alternative 5 will increase priority habitat management areas in Wyoming by 281,000 acres compared to Alternative 2 the no action alternative. This would bring more BLM administered land under the most restrictive sage grouse protections. This will negatively impact Wyoming's energy industry, which has been and will be impacted by the changes to multiple other BLM RMP's within the state of Wyoming especially the Rock Springs area BLM RMP. Most of these newly adopted plans will be put in place in 2024.

The Rock Springs BLM RMP's restrictions are expected to cost southwestern Wyoming nearly 3,000 jobs. I am not aware of the number of jobs lost in other areas of Wyoming that have been affected by the current administration policy affecting the coal industry and oil industry in places such as Gillette and Casper for example. I can guess the number of jobs lost there because of new government policies could be in the thousands also. These lost jobs will not just impact those 3,000 workers but it will impact their families as well. This will have a domino effect on the communities that provide services to those workers. If they don't have a paycheck how do they pay their bills, buy food and support their families with the basics? How do they pay for healthcare? This will put businesses within those communities at risk of going out of business.

The impact will not just be to those who loose their jobs and income. According to the '*Wyoming Legislature's 'Select Committee on Federal Natural Resource Management Committee'* oil and gas well development expenditures are expected to decrease under preferred Alternative 5 due to all the land designated as priority habitat management areas with no surface occupancy restrictions. This reduction in oil and gas production revenue and well development expenditures are expected to result in a decrease in economic output by $695 million dollars compared with Alternative 1. This decrease in oil and gas activity would result in total royalty revenue generated from oil and gas production decreasing by $23.9 million dollars, severance tax revenue decreasing by $8.6 million dollars and ad valorem tax revenue to decreasing by $9 million dollars as compared to the BLM Alternative 1. All of this loss in tax revenue will result in the decrease in local and state revenues harming the livelihoods of local communities in Wyoming dependent on mineral development and production. This domino affect will devastate these local communities and the economic, physical and mental well-being of the individuals within those communities.

But these lost revenues will impact the Wyoming residents and communities that are not located in the areas where the jobs were lost. I see an impact far beyond these local small communities as well. I am a retired teacher. Having taught in Wyoming I understand the impact that losing this tax base will have on school districts throughout the state of Wyoming in that less money will be available for their use. This will affect the quality of education, sports programs, quality of buildings, teacher salaries and our state retirement. It will impact money for highways and city government needs. The tax money from oil, gas, trona and coal has always had perks for local communities including money for rec centers, youth centers, scholarships and other programs. The loss of these industries will have consequence that the people of Wyoming haven't yet realized. This will not just hurt the economy of Wyoming and the people of Wyoming but this combined with the other BLM RMP's and other policies put into practice in the last 3 years will destroy the economy and lives of the people in Wyoming and surrounding states.

This plan will also affect Wyoming's agriculture economy. These restrictions on ranchers and farmers will affect their ability to succeed and could lead to many of these people's livelihoods lost, ranches and farms that have been in families for generations.

The proposed *'current Bureau of Land Management's (BLM) draft Greater Sage Grouse Resource Management Plan Amendment and Environmental Impact Statement (draft Plan) Alternative 5'* according to the information from the '*Wyoming Legislature's 'Select Committee on Federal Natural Resource Management Committee'* this will not only affect the current industries (coal, gas, oil, trona, mining, agriculture) of Wyoming but the ones planned for the future. Their report suggests that Alternative 5 will also designate priority habitat management areas as avoidance areas for utility scale wind and solar energy development, decreasing land available for these energy sources to be developed. According to the committee this will result in an increase in projects in the limited areas available. According to my source, much of this land is often adjacent to priority habitat management areas. I'm not sure if that would be good for the sage grouse either. They also expressed concern that this increase in density in those areas will result in the development of more complex projects and increase development costs. The committee felt this increase in development costs and increase in density of wind and solar energy development will negatively impact the number and scale of future wind and solar energy projects in Wyoming and place these future projects under more scrutiny. Again, possibly affecting another source of jobs and tax moneys for the state of Wyoming in the future.

Conclusion

I believe, from the information I have learned about the BLM's draft Plan with preferred Alternative 5, that this plan will negatively impact Wyoming's energy industry, agriculture and local and state economies. Because the state of Wyoming has shown, since 2008, that their plan to help the recovery and protection of the sage grouse population, keeping them off the 'Endangered Species Act' has and is working and that the BLM should continue to allow Wyoming to implement its state led sage grouse management efforts. They should also encourage the other states, if they are interested create similar programs to preserve the sage grouse population in their state. One plan for 10 different states and environments doesn't make any logical sense. Each state has totally different climates, soil, habitat and human use needs and requirements. One plan doesn't work for all.

I appreciate the BLM's willingness to review and consider my concerns.

Sincerely,

Karen Cook
(Resident of Uinta County, Wyoming)

Nancy Hilding
President
Prairie Hills Audubon Society
P.O. Box 788
Black Hawk, SD 57718
phas.wsd@rapidnet.com,
605-787-6466
June 13, 2024

BLM Utah State Office
Attn; HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84104

Comments submitted to: https://eplanning.blm.gov/eplanning-ui/project/2016719/510
Copy sent by email: BLM_HQ-GRSG_Planning@blm.gov

RE: Comments on the Greater sage grouse Draft Resource Management Plan Amendment/Draft Environmental Impact Statement (Draft RMPA/Draft EIS)

Dear Dr. Diebert and Mr. Bahr,

These comments are our second comment letter as we joined on another multi-group letter.

Most of our chapter's members reside in western SD and this letter is specifically for our South Dakota concerns.

SD is considered fringe habitat for the greater sage grouse. We saw our southwestern SD greater sage grouse population extirpated circa 2006, with only our northwestern SD greater sage grouse population remaining. We would like for our northwest SD greater sage grouse population to persevere over time and we would like our southwest SD population to recover. We suspect that for our northwest population to persevere, that the south eastern Montana population needs to persevere and not be fragmented off and isolated. We suspect for our southwest population to recover we need for eastern Wyoming greater sage grouse populations near our border to recover. We hope you chose Alternative 3 as the best alternative to achieve these outcomes.

We hope you will require grass heights in SD to be 10.2 inches high after the livestock leave. Our sage brush are smaller in size and we need greater grass height to provide cover for our grouse. We hope you will require this both in NW SD but also in sage brush habitat in SW SD, as we want some young sage grouse to emigrate back to SW. We hope you chose Alternative 3 as the best alternative to achieve these outcomes.

We hope you will exclude bentonite and uranium mining in our sage grouse habitats. We hope you will severely limit or exclude oil and gas wells in our sage grouse habitat. The population we have left is small and needs protecting. We hope you chose Alternative 3 as the best alternative to achieve these outcomes.

Many of our members are birders and are happy to know we have greater sage grouse in our state. Some of us would like to be able to see greater sage grouse, without long commutes. I hope our members are aware that the greater sage grouse can be disturbed by birders and are respectful in our visits to grouse habitat, if any. Your discussion of recreation in the affected environment and environmental impacts leans towards the adverse impacts from recreation.

We wish you would identify the relatively great importance of wildlife watching in USA's outdoor wildlife related recreation, which is shown in the USFWS publication – "2022 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation September 2023" – here is a link to that publication - https://www.fws.gov/media/2022-national-survey-fishing-hunting-and-wildlife-associated-recreation The number of wildlife watchers is over 10 times the number of hunters. 64% of wildlife watchers are birders. We hope you will consider the impact of extirpation of a bird species from a state or a subset area of a state, as an impact on cherished form of out-door recreation. We hope you will very seriously think about the extirpation of this species from states and areas of states as a consequence of poor choices by BLM.

We prefer Alternative 3.

Thanks,

Nancy Hilding
President
Prairie Hills Audubon Society

MACKENZIE RANCH
19265 Chandler Lane
Baker City, Oregon 97814
Phone: (541) 523-5053
Fax: (541) 523-4790

BLM Utah State Office
ATTN: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84101

To Whom it May Concern:

Please enter the following into the record as substantive comment on the Greater Sage Grouse Land Use Plan Amendment March 2024

The draft EIS discusses habitat management in terms of the Habitat Management Framework (HAF).

Oregon Grazing Removal from RNAs: There is no rational reason under the Federal Land Policy and Management Act ("FLPMA") to close certain areas to livestock grazing on a large land scale, particularly where proper grazing is compatible with the ecology of the local areas. We are further concerned that incorrect assumptions and speculation, rather than science, is being used to support these broad closures. Many RNAs have accommodated livestock grazing since their inception, which has been found to be compatible with GRSG conservation by reducing fuels, helping to control the spread of invasive species, and maintaining rangeland health. BLM should more explicitly recognize that livestock grazing practices complement Sage-Grouse conservation and may improve habitat by sustaining a diversity of plants that are important to Sage-Grouse and by reducing the risk of wildfire that destroys the habitat.

It has previously been stated that the RNA grazing removal is not at a scale to effect fire as a threat. Perhaps somewhat true viewed rangewide, but on a local

level, this habitat will burn or it won't, the current well designed grazing will help prevent ignition and in the case of ignition reduce mortality in the native bunch grass community. (cite appropriate literature)

There is no need to cause hardship on permittees by reducing their permits. There are 800,000 acres of like habitat with no livestock on the Hart Sheldon Refuge Complex, the Oregon Department of Fish and Wildlife have been tracking Sage Grouse populations on this landscape since well before livestock were removed from the refuge. Before, during, and after populations and habitat conditions have been tracked and recorded, on a landscape scale. This is meaningful for a landscape species like Sage Grouse, small patch livestock exclusions of a few thousand acres are not meaningful for a landscape species, penalize family ranches, and does something no other state did. This part should be dropped in its entirety.

In summary: going back to the 2015 Land Use Plan is going backwards in our land use management. Since 2015, we have implemented three land use plans, which are all substantially better than the 2015 Plan….we need to move forward, not backwards!

Going forward it will be important to address the threats to the species, the big three threats in the Great Basin section of the range.

1) Conifer encroachment
2) Wildfire
3) Invasive annual grasses

We have made much progress on conifers, the other threats, wildfire and Invasive annual grasses (IAG) require ongoing management, livestock grazing is our primary landscape level tool, we can address the fine fuels that drive wildfire on the range, and we can use targeted grazing to move annual grass dominated systems back toward native bunch grass systems.

The following should be considered in context with grazing.

Moderate livestock grazing (e.g., grazing that balances the intensity, frequency, duration, and timing of grazing with variable vegetation/ forage resources) that supports the persistence of perennial bunchgrasses, has been shown to be compatible with sage-grouse population metrics (Boyd et al., 2014; Dettenmaier, 2018; Doherty et al., 2021; Smith et al., 2020, 2018a, 2018b). Sage-grouse have been found to be generalists, exhibiting great flexibility when selecting habitat at the fine scale. This fine-scale vegetation, such as bunchgrass cover or shrub structure, does not influence nest success consistently and has weak effects on nest site selection according to a range-wide meta-analysis (Smith et al., 2020). Optimum sage-grouse habitat consists large tracts of land encompassing diverse seasonal habitats (Knick and Connelly, 2011), including healthy tracts of sagebrush that include an herbaceous understory composed of large perennial grasses, perennial forbs, and insect food resources during the nesting season (Boyd et al., 2014; Crawford et al., 2004). Thus, management objectives for sage-grouse and grazing should focus on promoting vegetation conditions that promote resiliency to ecosystem-scale threats such as wildfire and resistance to exotic annual grasses rather than fine-scale vegetation metrics. Not only is livestock grazing the primary land-use in sage-grouse habitat, but it can also be employed strategically to improve or maintain rangeland condition by addressing these range-wide threats. Grazing can be used as a tool to reduce the risk of habitat loss from wildfire (Davies et al., 2022, 2015, 2010; Diamond et al., 2009; Orr et al., 2023; Thomas and Davies, 2023), and from invasive annual grasses (Davies et al., 2021b, 2021a; Schmelzer et al., 2014), or to improve habitat by increasing insect food resources (Goosey et al., 2019; Richardson et al., 2023). Properly managed livestock grazing allows for the maintenance of perennial bunchgrasses (Boyd et al., 2014; Miller et al., 1994), which are key to promoting ecosystem resilience of sagebrush rangelands (Johnson et al., 2022) and can provide visual obstruction for nesting sage-grouse (Hagen et al., 2007).

The final decision needs to be crafted so that the proper use of livestock as a tool is available on the landscape. Moderate levels of grazing leaves undershrub herbaceous vegetation in place (cite France).

Drought Response: Rangelands in the arid west tend to have dry years, ranchers have been dealing with that for a long time, as evident from the amount of permits meeting Land health standards, ranchers are fairly good at it. Formalizing a process for drought management will create a process point for litigation, much like observed around timber sales, that will create a barrier to putting livestock on the landscape. There are already mechanisms in place to deal with permits that are not managed properly, so don't create additional places to litigate. Permitttees need the ability to be flexible with grazing, not to be faced with automatic process barriers after reducing utilization to match forage production. The process to reauthorize grazing is not clearly defined, likely become a litigation magnet, take up capacity that the range program does not have to spare, and interfere with local, on the ground management that is ultimately what is needed to make the plan successful.

Wild Horse and Burro: Wild horse and Burro numbers are on average 3.6 AML in the planning area. This results in unmanaged grazing 24/7/365. Livestock operators across the west work extremely hard to manage livestock in a manner designed to maintain and enhance the rangeland they occupy. Yet they must watch the resource deteriorate because the BLM does not operate the WH&B program within it's design. This is not the right message, the final ROD should include a commitment to maintain WH&B numbers at low AML.

Thresholds and De**fi**ned Responses: NEPA analysis that pre-loads authorization for the authorizing officer to reduce livestock levels could result in the loss of the ability to be impactful with grazing management. Successful ranchers have been flexible with their grazing for a long time, there is a need to have flexibility, but creating mechanisms to ratchet down permitted numbers disincentivizes progressive livestock management.

Thoughtful adaptive management requires careful review of the facts at hand and a carefully crafted response, creating canned responses during a permit renewal, turns permit renewal into an adversarial process, and doesn't allow true adaptive management to happen, this should not be part of the final ROD.

During low moisture years a permittee may wish to bring pairs (cows with calves) off the permit early but still want to treat IAGs in the late season with the mother cows after the calves have been removed. The USDA Wildland Fire Mitigation and Management Commission recommended using existing authorities and developing new authorities to do targeted grazing on IAGs.

Alternative 5 is our Preferred Alternative….and we are greatly against Alternative 3.

Thank you for your consideration,

Duncan S. Mackenzie
Mackenzie Ranch
19265 Chandler Lane
Baker City, OR 97814
541-523-5053

May 14, 2024

Bureau of Land Management
BLM Utah State Office
Attn: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84101

Submitted Via: https://eplanning.blm.gov/eplanning-ui/project/2016719/510

RE: Nevada Cattlemen's Association Comments Regarding the Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning, Specifically Areas of Critical Environmental Concern (DOI-BLM-WO-2300-2022-0001-RMP-EIS)

BLM Greater Sage-Grouse Plan Amendment Team,

The Nevada Cattlemen's Association (Association) is a non-profit trade association that was established in 1935 to provide a way for Nevada's cattle industry to present a united front on issues that impact ranchers across the state. This Association represents multiple ranchers who operate on public land grazing allotments across Nevada. Many ranchers and grazing allotments represented by the Association are likely to be impacted by the Draft Resource Management Plan Amendment (Draft RMPA or Draft EIS) effort from the BLM, and the proposed designation of new Areas of Critical Environmental Concern (ACECs) considered as part of the Draft RMPA are of great concern. This comment letter is directed specifically at the ACEC proposal, and the Association reserves the right to alter, supplement and make additional comments as the ACEC proposal and Draft RMPA are so closely intertwined.

The Association attended both the April 16, 2024 Public Meeting in Reno as well as the BLM's presentation to the Nevada Sagebrush Ecosystem Council on April 19, 2024. During both presentations, several BLM representatives stated to attendees that comments relating to ACECs would be considered through the close of the 90-day Draft RMPA comment period on June 13, 2024. However, upon this Association's review of the Federal Register Notice for this document, the following language was identified: "This notice also announces the opening of a 60-day comment period for ACECs. The BLM must receive your ACEC-related comments by May 14, 2024" (emphasis added). The Association finds this notice to be contradictory and misleading per the BLM's comments during public meetings. There is entirely too much integration between ACEC designations and the RMPA to bifurcate the comment period.

> The Association requests that the BLM provide a 60-day extension for ACEC comments and a 30-day extension for Draft RMPA comments (120-days for each). At minimum, the BLM must coordinate the ACEC and Draft RMPA comment periods through a new Federal Register Notice to eliminate any contradictory concerns.

Both the e-Planning website and Appendix 5: Evaluation of Areas of Critical Environmental Concern for Greater Sage-grouse have been reviewed by the Association. The following comments are specific to those two areas of the document given the extremely limited timeframe allotted by the BLM in the Federal Register for ACEC comments. These comments are generally arranged by various topical areas, which are listed below in bold.

Draft RMPA Complexity and Interplay with ACEC Recommendations: The BLM's approach to assess all western states with Sage-grouse populations in the same document is ineffective and contradictory. The document is confusing and unclear, which has resulted in insufficient public process. The incorporation of ACECs, why ACECs are only included in certain alternatives, and how ACECs are incorporated into certain alternatives is also extremely difficult to comprehend.

> The Association requests that the BLM compile a Supplemental Draft EIS that is specific to Nevada with a comprehensive set of Alternatives. The Association would adamantly suggest NOT carrying forward alternatives that contain ACEC designation. If the BLM chooses to proceed with ACEC designation, the agency must clarify how ACECs correlate with other proposed Sage-grouse management goals and actions.

Proposed ACEC Designations and Lack of Justification for ACECs Contained in Alternatives (3 and 6): The Association does not support the proposed ACECs in Nevada. The BLM must focus on finalizing accurate mapping, clearly defining the allocation decisions based on mapping, and working closely with grazing permittees who are operating in Sage-grouse habitat (for example, updating and implementing Allotment Management Plans to simultaneously improve grazing operations and Sage-grouse habitat). If the BLM can accomplish these three objectives, this Association sees absolutely no need for ACECs.

The proposed ACECs do not seem to have any tangible biological difference to areas of non-ACEC. They do not address any of the major threats to Sage-grouse in the State of Nevada (the prominent two being wildfire and invasive species). However, designating ACECs could have a direct, negative socio-economic impact on grazing permittees and local communities. The BLM's analysis in this regard is woefully inadequate in this document, with little reassurances or clarification on how the BLM will combat these negative impacts.

> The Association strongly suggests that the BLM develop a Supplemental Draft EIS and transition Alternatives 3 and 6 into the category of "Alternatives Considered, but not carried forward for further analysis".

Inconsistency State of Nevada Plans: The State of Nevada's Greater Sage-grouse Conservation Plan contains nothing that suggests any designation of ACECs or other "special" management areas beyond Sage-grouse habitat within designated Population Management Areas. Designation of ACECs is NOT consistent with any State Adopted Plan and is in direct conflict with the multiple use mandate of the BLM.

> The Association strongly suggests that the BLM develop a Supplemental Draft EIS and transition Alternatives 3 and 6 into the category of "Alternatives Considered, but not carried forward for further analysis".

Lack of Clear ACEC Mapping and Overall Incomplete Mapping: The method in which the BLM has included various mapping alternatives in the Draft EIS clearly demonstrates the NEPA inadequacies within this document. The State of Nevada maintains its management authority over Sage-grouse. At this time, the only map that appears to have been approved by the State seems to be in Alternative 1, less the Sagebrush Focal Areas. Alternative Maps 2 - 5 are based on incomplete USGS Modeling products. This approach is both inaccurate and misleading. It also appears that the BLM did not reference any peer reviewed or final "best available science" when outlining the proposed ACEC boundaries.

The BLM's effort to publish incomplete modeling updates, and further developing ACEC boundaries based on these incomplete updates, sets a terrible precedent. This effort is misleading to the public and can only result in management decisions that are inconsistent and ineffective.

Furthermore, none of the maps presented in the Draft EIS show the proposed ACEC boundaries as they relate to existing grazing allotments. It is impossible for this Association and its members to make informed, substantive comments without adequate mapping being provided.

> The Association asks that the BLM delay the release of a Supplemental Draft EIS and Land Use Plan Amendment until the USGS map product is complete and adopted by the State of Nevada. If ACECs are to be further analyzed by the BLM, the Supplemental Draft EIS must include clear maps with ACECs demonstrating their relation to existing grazing allotments.

Inconsistent and Confusing Evaluation of Critical Areas of Environmental Concern for Sage-Grouse Habitat: The Association has the following concerns after reviewing Appendix 5:

- The proposed ACECs contain the entire suite of public lands ranging from priority Sage-grouse habitat to non-habitat, but the BLM does NOT demonstrate whether these areas truly contain the essential seasonal habitat needed to improve conservation of local populations. The BLM has NOT demonstrated that these areas are more "relevant" or critical to Sage-grouse conservation than any other areas of mapped habitat.
- The analysis provided by the BLM has not presented a convincing or clear case that ACECs are more important than any other mapped PHMA in Nevada. However, clearly demonstrating that these ACECs have not been thoroughly evaluated by the BLM, some of the proposed ACECs encompass parts of extensive existing authorized uses (for example, congressionally designated utility corridors) or established infrastructure (namely US Highways) that make conservation efforts significantly more difficult and result in negative impacts on both State and local socioeconomics.
- It is extremely concerning to the Association that the ACEC evaluation was heavily, if not wholly, reliant on desktop analysis and reviews of modeling products, some of which were not even complete at the time of analysis. This process was fatally flawed from the beginning and does not seem to contain any consideration of real-time habitat conditions or ground truthing, let alone any coordination with potentially affected, existing authorized users such as grazing permittees represented by this Association.

For the reasons listed above, the Association adamantly does NOT support designation of any ACECs in Nevada.

The Association will continue its review of the Draft LUPA / EIS but strongly reiterates that it is highly concerned with the process and the product as relates to proposed ACECs presented by the BLM. The BLM's consideration of the above comments is appreciated.

Sincerely,

Hanes Holman, President
Nevada Cattlemen's Association

CC: Governor Joe Lombardo
Nevada Congressional Delegation
Jon Raby, BLM Nevada State Director

Tracy Stone-Manning
U.S. Department of Interior
Director (630), Bureau of Land Management
1849 C Street NW Room 5646
Washington D.C. 20240

June 12, 2024

Re: Comments on BLM Draft Greater Sage-Grouse Resource Management Plan Amendment and Environmental Impact Statement

Dear Director Stone-Manning,

Please accept my comments and concerns about the current *'Bureau of Land Management's (BLM) draft Greater Sage Grouse Resource Management Plan Amendment and Environmental Impact Statement (draft Plan)'*.

Specific areas of Wyoming are currently having their area BLM RMP plans modified. The new restrictions with those plans alone are going to have huge consequences to the people and the state of Wyoming. These other plans will directly impact the energy, industry and agriculture economy of Wyoming. The BLM's chosen *'Alternative 5 of the Greater Sage Grouse Resource management Plan'* if implemented will add another huge blow to Wyoming's struggling economy and people.

I recently had the opportunity to review the *Wyoming Legislature's 'Select Committee on Federal Natural Resource Management Committee'* comments on the Bureau of Land Management's (BLM) draft Greater Sage Grouse Resource Management Plan Amendment and Environmental Impact Statement (draft Plan). I have also had the opportunity to visit with Representative Scott Heiner who co-chairs this committee. The committee asserts that the increase in priority habitat management areas under this draft Plan will negatively impact Wyoming's energy industry; that the draft Plan does not adequately address the management of invasive species, wildfires, and predators. Wyoming's state led sage grouse management efforts are sufficient. I would like to state the comments and concerns I have about the BLM chosen Alternative 5. Many of these are the same as this committee has expressed in their comments.

I believe that BLM has again chosen the most restrictive of their possible options, Alternative 5, when there were other options that would work better for the economy of Wyoming, the people of Wyoming and even for the land and the Sage Grouse population itself in Wyoming.

Comment 1:
I agree with *the Wyoming Legislature's 'Select Committee on Federal Natural Resource Management Committee'* comment that **Wyoming's state led sage grouse management efforts are sufficient and the BLM should continue to allow the individual states to develop and implement a state-specific approach to sage grouse management.**

My understanding is that the State of Wyoming in 2008 implemented its own sage grouse core area protection strategy. Wyoming's strategy already prioritizes the maintenance and enhancement of approximately 15 million acres of sage grouse habitats and populations. The core protection areas BLM is now suggesting to protect are within the current Wyoming state's prioritized areas. Wyoming's plan was revised in 2015 and 2019 and is currently undergoing further revisions to expand its core protection areas throughout the state. From the information I have found the Wyoming state proposed expanded protection areas are similar in size and location to those designated in BLM chosen Alterative 5 priority habitat management area.

In addition, it seems that the restrictions imposed in the BLM's priority habitat management areas are similar to the restrictions imposed in the already established Wyoming's state sage grouse core protection areas. An example was given that they both have similar 'no surface occupancy restrictions on fluid minerals'. The information I have been provided by the *Wyoming Legislature's 'Select Committee on Federal Natural Resource Management Committee'* stresses that Wyoming's state led sage grouse management efforts are

sufficient. Wyoming's methods and strategies have helped to keep the sage grouse from being listed under the *'Endangered Species Act'* and their efforts are proven in sage grouse management and science.

Since the policies in use by the state of Wyoming are currently *protecting the exact areas* that BLM's draft plan Alternative 5 would protect, then Wyoming's stewardship over the sage grouse must be doing what it was intended to do. It has protected the state's sage grouse population from being listed on the *'Endangered Species Act'*. Because the current Wyoming plan is benefiting the state's sage grouse population there is no reason to implement the proposed BLM's draft Plan. The people of Wyoming care about our wildlife and lands. The current Wyoming local plan to protect the Sage Grouse is working. The state monitors and continues to modify and improve this when needed. BLM's Alternative 5 plan would implement a 'one-size-fits-all' approach to sage grouse management on BLM administered public lands in ten western states and would not be a local or state initiated stewardship over their sage grouse populations. Why fix what's already working?

Conclusion

I agree with the Wyoming Legislature's 'Select Committee on Federal Natural Resource Management Committee' comment that the fact that Wyoming's state led sage grouse management efforts are sufficient and reaching the same goals as the BLM Alternative 5 (draft) plan. This gives evidence that BLM should continue to allow individual states to develop and implement their own state-specific approach to sage grouse management. The people in a state know and understand their lands better than a 'one-plan-fits-all' approach by the Administration in Washington D.C. such as the proposed Bureau of Land Management Alternative 5 (draft) plan.

Thank you for your time and consideration,

Karen Cook
(Resident of Uinta County, Wyoming)

UTAH FARM BUREAU FEDERATION
9865 South State Street • Sandy, Utah 84070-3205 • Phone: (801) 233-3040 • www.utahfarmbureau.org
"Inspire All Utah Families to Connect, Succeed, and Grow Through the Miracle of Agriculture."

June 13, 2024

SUBMITTED ELECTRONICALLY

Bureau of Land Management
Utah State Office
ATTN: HQ GRSG RMPA
440 West 200 South, Suite 500
Salt Lake City, UT 84101

RE: 2021 Greater Sage-grouse Land Use Plan Amendments (DOI-BLM-WO-2300-2022-0001-RMP-EIS)

To Whom It May Concern:

The Utah Farm Bureau Federation (UFBF) reviewed the Bureau of Land Management's (BLM) Draft Resource Management Plan Amendment (DRMP) and associated Draft Environmental Impact Statement (DEIS) for greater sage-grouse (GRSG). The UFBF appreciates the opportunity to comment on the DRMP and DEIS on behalf of our 35,000 member families throughout the state of Utah and in particular our farmers and ranchers that will be directly affected by the management decisions implemented through this plan.

In general, the UFBF is concerned about the complexity of the BLM's analysis and believes the comment period for reviewing this plan was too short. This planning effort, which covers ten states, is extremely convoluted and will be difficult to implement across the range in the affected states. We also believe that the BLM needs to more fully analyze how other recent planning efforts and policy changes including the BLM's grazing policy guidance revisions, the BLM's utility scale solar PEIS, and the resource management plan for Bears Ears National Monument, interact with this plan and its implementation in Utah and other Western States.

The UFBF recognizes the importance of conserving habitat for GRSG, however, we are concerned by aspects of the DRMP and DEIS that directly affect Utah agriculture. One significant issue is the apparent conflict with current law and congressional intent. Some of the alternatives propose added restrictive designations such as Areas of Critical Environmental Concern (ACEC) and propose limitations to livestock grazing that are not based on sound science and that contradict existing statutes and congressional directives requiring multiple-use management of federal lands. UFBF policy opposes designating large tracts of land as ACECs. We believe ACECs should be small in size, allow continued grazing, and should be consistent with the county and state resource management plans. Furthermore, the UFBF believes that new ACEC designations are unnecessary and conflict with approved state and local resource

management plans. We oppose unnecessary layering of protections onto areas that are already restrictively managed. The UFBF also opposes any net loss of animal unit months (AUMs) on BLM lands.

The UFBF is also worried about the BLM's approach to predator management. The UFBF believes the BLM should make clear commitments to collaborate with relevant state agencies, private landowners, other federal agencies, and tribal governments on predator control. This collaboration is crucial for mitigating predator impacts to GRSG. The UFBF also suggests that the BLM consider preparing a comprehensive predator control plan across the entire habitat range.

We now offer the following specific comments on the DRMP and DEIS:

Page ES-4: The summary for Alternative 3 suggests that ACECs designated by the BLM would maintain the same allocations (i.e., allowable uses) as the remainder of the Priority Habitat Management Areas (PHMA). As we note in our comments above, we are concerned about unnecessary layering of special designations. If there is no difference between PHMA and ACEC designations in terms of management, the UFBF urges the BLM to not designate additional ACECs. Unnecessary layering of special designations will result in confusion, added bureaucratic red tape.

Page ES-6: Resource Uses: The BLM ought to refrain from making sweeping assertions regarding the inverse relationship between livestock grazing and its impact on GRSG. While certain activities mentioned in this paragraph may indeed exhibit such an inverse relationship, the UFBF believes that responsibly managed livestock grazing actually yield positive outcomes for GRSG habitats.

Page 1-1: "These planning and implementation-level habitat projects show that successful conservation of GRSG requires a shared vision among Tribes, states, private citizens, landowners and federal land management agencies." The UFBF suggests adding a reference to counties in this sentence. We believe counties play a vital role in enhancing GRSG habit and the BLM should acknowledge it here.

Page 1-3: "The quantity and quality of available habitat, as well as non-habitat factors such as disruptive activities and prolonged drought can affect the size and trend of GRSG populations." The UFBF suggests that the BLM add wildfires, invasive species, and predation as disruptive activities.

Page 2-2: "Alternative 3 includes the greatest measures to protect and preserve GRSG and its habitat." The UFBF disagrees with this conclusion, especially considering that Alternative 3 prohibits livestock grazing. Properly managed grazing reduces fuel loads and decreases wildfire risk, which contributes significantly to loss of GRSG habitat.

Page 2-2: "Alternative 5 considers other potential alignments of habitat management areas and associated management to try and balance GRSG conservation with public land uses." The UFBF agrees that a balanced approach is important.

Page 2-99: Section 2.5.9 mentions predation by ravens, but the BLM does not mention predation by owls, eagles and other raptors, coyotes, red fox, racoons, skunks, badgers, bobcats, weasels, and snakes. UFBF policy supports increased control of predators including ravens, crows, skunks, and racoons.

Page 2-109, Table 2-12: The UFBF requests clarity on who will bear the cost of upgrading and/or maintaining projects that negatively affect GRSG or GRSG habitat. The UFBF opposes government agencies removing or destroying improvements financed wholly or in part by permittees. We also believe that producers should not be required to bear the entire cost of upgrading range improvements.

Page 2-111, Table 2-12: As noted in the prior comment, the UFBF requests clarity on who will bear the cost of upgrading and/or maintaining projects that negatively affect GRSG or GRSG habitat. The UFBF opposes government agencies removing or destroying improvements financed wholly or in part by permittees. We also believe that producers should not have to bear the entire cost of upgrading range improvements.

Page 2-112, Table 2-12: The UFBF opposes Management Action RM-7. The UFBF opposes any retirement of grazing permits. We support reallocation of retired or unused grazing allotments.

Page 2-113, Section 2.5.11 – Wild Horse and Burro Management: This section expresses that maintaining wild horses and burros at Appropriate Management Level (AML) is a key component for GRSG planning. The UFBF agrees and our policy supports managing wild horses and burro populations in compliance with county, state, and agency resource management plans and maintaining a thriving natural ecological balance on the range for all multiple uses. We also support effective and efficient fertility control including sterilizations to minimize population growth. According to the BLM estimates as of March 1, 2024, there are currently 4,305 wild horses and burros in Utah herd areas and herd management areas. This exceeds the High AML of 1,956 by 2,349 or 120%. Throughout the ten Western States, total wild horse and burro populations on herd areas and herd management areas are 73,520, which exceeds the High AML of 26,785 by 46,735 or 174.5%.[1]

Page 2-118, Table 2-14: As noted in our general concerns above, the UFBF opposes the designation of ACECs under both Alternative 3 and Alternative 6.

Page 3-5: "Predators of GRSG include golden eagles (Aquila chrysaetos), great horned owls (Bufo virginianus), coyotes (Canis latrans), and common ravens (Corvus corax). Populations of golden eagles, great horned owls, and coyotes have not increased during the last century, so they likely have not contributed to GRSG population declines." As noted previously, the UFBF believes the BLM should add other predators to this list and the UFBF supports increased control of predators including ravens, crows, skunks, and racoons.

[1] Bureau of Land Management National Population Estimate Data Set as of March 1, 2024. https://www.blm.gov/sites/default/files/docs/2024-03/2024_HMA-HA_PopStats_2-29-2024_COMBINED_Clean_FINAL_web.pdf

Page 3-10 and 3-11 (Persistent and Emerging Threats): Once again, this section focuses on the impacts of ravens does not mention other predators. Please consider revising.

Page 3-11 (Persistent and Emerging Threats): This section focuses on wild horses but should also mention wild burros that are also overpopulated in many areas.

Page 3-66: "In the planning area, conditions affecting stream temperature, such as the amount of near-stream vegetation, channel shape, and hydrology, are most associated with land use practices. Livestock grazing has been identified as a significant factor (Weltz et al. 2017)." "These impairments can be linked to activities such as animal feedlots, crop production, livestock grazing, habitat alterations, construction activities, permitted discharges from industrial, municipal, and stormwater sources, and lesser so from channelization, sewage disposal, mine tailings, hardrock mining, industrial forestry, and recreation and tourism." UFBF suggests that the BLM acknowledge that water quality issues are often the result of wild horse and burro herds.

Pages 3-66 and 3-67: "Since most water in the planning area originates from precipitation, yearly climatic conditions play an important role in the volume of water available. This, in turn, determines available riparian habitat and conditions, particularly in systems that are more dependent on snowmelt and local precipitation events (Weltz et al. 2017)." "Activities associated with recreation, energy development, and grazing have resulted in significant impacts on water supply and quality within GRSG habitat." The UFBF suggests that the BLM acknowledge that water availability is also affected by vegetation management. Invasive species significantly impact water availability. The UFBF supports the aggressive reclamation of our watersheds through logging, grazing, fire, and treatment of invasive species including, but not limited to, pinyon–juniper, tamarisks, Russian olive, etc. to enhance the flow of water and maximize the usable water.

Pages 3-73 through 3-75: It is disappointing that BLM field offices in California, Colorado, Idaho, Montana, portions of Nevada, Oregon, portions of Utah, and portions of Wyoming have inventoried Lands with Wilderness Characteristics (LWC) but have not finalized determinations on whether these lands should be managed for multiple use or to protect wilderness characteristics. The UFBF opposes the BLM managing these areas as "de facto wilderness." The BLM should manage these areas according to multiple use and sustained yield principles, and we support continued grazing in these areas.

Pages 4-16 and 4-17: "Under Alternative 1, wild horse populations would continue to be managed for AMLs and in balance with other resource uses (e.g., rangeland health, livestock, and wildlife). Wild horse gathers would be prioritized based on escalating or potential emergencies, public safety, nuisance animals, court orders, population growth suppression, and resource impacts associated with monitoring data, which is generally based on wild horse population inventories, wild horse condition, availability of sufficient water and forage resources, rangeland health, use levels of upland habitats, and riparian resource conditions. Evaluation of land health assessments in wild horse HMAs could identify vegetation conditions that could prompt gathers, reducing wild horse numbers and the associated impacts on GRSG

habitats." The UFBF suggests adding burros after wild horses throughout this paragraph. The header refers to wild horse and burro management, but then the BLM does not include burros.

Page 4-25, ACEC Designation: As discussed above, the UFBF is concerned about new ACECs and feels that they are unjustified, especially if management is the same as PHMA management.

Page 4-42: "Therefore, managing previously designated GHMA as PHMA would minimize potential impacts to vegetation to a greater extent than if they remained managed as GHMA. Expanding PHMA in some states to include areas of adjacent non-habitat, unoccupied historic habitat, or areas with potential to become habitat as PHMA would also increase protections for and minimize impacts to vegetation." The UFBF disagrees with this conclusion. As discussed above, properly managed grazing can decrease wildfire risk, which is one of the most significant threats to GRSG habitat.

Page 4-119: "As another group of large grazing ungulates, wild horses and burros, have the capability of overutilizing vegetation, causing degradation of soil and vegetative resources as described for livestock grazing. Closing ACECs to livestock grazing could help protect relevant and important values by eliminating soil and vegetation disturbance associated with livestock grazing; however, this could also increase the risk for wildfire due to increased fuel loads." The UFBF appreciates the BLM's acknowledgement that decreasing responsibly managed grazing may result in increased fuel loads. However, we also suggest that the BLM focus on improving management of wild horse and burro populations rather than restricting livestock grazing which is already closely monitored and highly regulated.

Page 4-136: "As noted in the Wild Horses and Burros section, the timeline for implementation of any management changes would be impacted by congressional funding and the associated wild horse management including gathers, storage capacity, and adoption rate." The UFBF suggests adding litigation as an impact. Litigation is one of the most significant barriers to proper management of wild horse and burro populations and the BLM should note it here.

Page 4-180: "By improving landscape resiliency to wildfire and soil degradation, protection of the GRSG habitat would result in a general improvement in air quality." The UFBF disagrees with this conclusion. If the BLM were to select Alternative 3, grazing would be prohibited, and most active management would not occur resulting in increased fuel loads and increased risk of severe wildfires.

Page 4-200: "In turn, these management actions would continue to help minimize local impacts on water resource conditions from changes in livestock grazing, which would also continue to help minimize range-wide impacts for long-term benefits to water resource conditions as described in the Nature and Types of Effects." The UFBF believes the BLM should mention wild horses and burros here.

Page 4-257: "Therefore, Alternative 3 would result in the lowest cumulative air quality impacts among the alternatives." The UFBF disagrees with the BLM's conclusion here. As Alternative 3 prohibits grazing and active management, this may result in increased risk of catastrophic

wildfire emitting hazardous air pollutants and releasing enormous quantities of carbon dioxide and other greenhouse gases into the atmosphere.

Conclusion

In conclusion, we urge the BLM to consider the UFBF's concerns and suggested revisions to the DRMP and DEIS. We stand ready to work collaboratively with the BLM to develop sustainable land management practices that balance the needs of wildlife conservation with the realities of agricultural operations in our state. Thank you for considering our feedback on this critical issue.

Sincerely,

ValJay Rigby
President
Utah Farm Bureau Federation

Tracy Stone-Manning
U.S. Department of Interior
Director (630), Bureau of Land Management
1849 C Street NW Room 5646
Washington D.C. 20240

June 12, 2024

Re: Comments on BLM Draft Greater Sage-Grouse Resource Management Plan Amendment and Environmental Impact Statement

Dear Director Stone-Manning,

Please accept my comments and concerns about the current *'Bureau of Land Management's (BLM) draft Greater Sage Grouse Resource Management Plan Amendment and Environmental Impact Statement (draft Plan)'*.

Specific areas of Wyoming are currently having their area BLM RMP plans modified. The new restrictions with those plans alone are going to have huge consequences to the people and the state of Wyoming. These other plans will directly impact the energy, industry and agriculture economy of Wyoming. The BLM's chosen *'Alternative 5 of the Greater Sage Grouse Resource management Plan'* if implemented will add another huge blow to Wyoming's struggling economy and people.

I recently had the opportunity to review the *Wyoming Legislature's 'Select Committee on Federal Natural Resource Management Committee'* comments on the Bureau of Land Management's (BLM) draft Greater Sage Grouse Resource Management Plan Amendment and Environmental Impact Statement (draft Plan). I have also had the opportunity to visit with Representative Scott Heiner who co-chairs this committee. The committee asserts that the increase in priority habitat management areas under this draft Plan will negatively impact Wyoming's energy industry; that the draft Plan does not adequately address the management of invasive species, wildfires, and predators. Wyoming's state led sage grouse management efforts are sufficient. I would like to state the comments and concerns I have about the BLM chosen Alternative 5. Many of these are the same as this committee has expressed in their comments.

I believe that BLM has again chosen the most restrictive of their possible options, Alternative 5, when there were other options that would work better for the economy of Wyoming, the people of Wyoming and even for the land and the Sage Grouse population itself in Wyoming.

Comment 2:
I agree with *the Wyoming Legislature's 'Select Committee on Federal Natural Resource Management Committee'* comment that the **BLM Sage Grouse Alternative (draft) Plan does not adequately address the management of invasive species, wildfires, and predators.**

The proposed BLM draft Plan Alternative 5 outlines in great detail the threats to sage grouse including invasive species, wildfires, and predators and explains how these threats result in the decline of sage grouse habitats and populations. But according to the *Wyoming Legislature's 'Select Committee on Federal Natural Resource Management Committee' this* draft Plan does not adequately address how the invasive species, wildfires, and predators will be managed. It briefly discusses that a wildfire management strategy is required to be implemented. It suggests limited implemented strategies to reduce the threats to sage grouse from invasive annual grasses, wildfires, and conifer expansion.

The draft Plan only briefly discusses predator management. The Alternative 5 draft Plan outlines a few requirements for the predator management plans but falls short of providing adequate guidance. *Wyoming Legislature's 'Select Committee on Federal Natural Resource Management Committee'* expressed concern that the draft Plan should include more management strategies to address threats to sage grouse including invasive species, wildfires, and predators. Instead BLM places this responsibility back on the states (Wyoming). I do wonder how the states, especially Wyoming, are to deal with predator threats, especially since the current Washington Administration has placed many restrictions on how states can deal with the predators in the state.

I have one final comment on the monitoring of the sage grouse's habitat. I have been told that if there are structures near where sage grouse are found to be nesting and in an established habitat then it is suggested that the structure is to be removed. I suggest that if the sage grouse are healthy and established in a habitat with structures, that in itself, is evidence that the structure or structures are not negatively impacting the sage grouse and they might in fact be put in more danger if that structure was removed from the habitat. This would include oil, gas or agriculture structures as a given example. Again close observation at a local and state level could better determine this situation.

If Wyoming's current state management plan is supporting the population of the sage grouse and since the proposed Alternative 5 Draft Plan would require Wyoming to mange and be responsible for the threats from invasive grasses, conifers, wildfires and predators than I agree with this committee that the proposed BLM draft plan should not be implemented in Wyoming. Wyoming can better serve and protect the sage grouse with their current successful localized plan. I believe that each of the 10 states included in this one-plan-for all solution would better serve their state's Sage Grouse poplulation because they are more aware of the needs and envirnment affecting their state's grouse population.

Conclusion
The BLM's draft Plan contains some state specific provisions but, I believe as our legislative Committee members believe, the BLM should continue to allow Wyoming to implement and improve its state specific approach to sage grouse management. The BLM's draft Plan should not impede Wyoming's state specific approach and should allow Wyoming to continue to adequately address sage grouse habitats and populations.

Thank you for your time and consideration,

Karen Cook
(Resident of Uinta County, Wyoming)

Lahontan Audubon Society
PO Box 2304
Reno, NV 89505

June 5, 2024

BLM State Office
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440 W. 200 S. #500
Salt Lake City, UT 84101 Via mail and email: BLM_HQ_GRSG_Planning

Re: comments on Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement (Draft RMPA/EIS)

On behalf of the Lahontan Audubon Society (LAS), I am pleased to submit comments regarding the Bureau of Land Management (BLM) Greater Sage-Grouse draft RMPA/EIS as it applies to Nevada. These comments are in addition to our comments submitted on May 14, 2024 on ACEC proposals by the Bureau of Land Management (BLM) in the draft EIS.

The Lahontan Audubon Society, a non-profit organization serving all of northwestern Nevada, represents a membership of conservation-minded individuals and families. Our mission is to preserve and improve the remaining habitat of birds and other wildlife, restore historic habitat, and educate the public, with emphasis on children, providing vision to all about our unique Nevada environments. We have been participating in Greater Sage-Grouse (GRSG) conservation efforts since 2000, including the development of Nevada's first State GRSG Conservation Plan, planting sagebrush as part of GRSG habitat restoration projects, and commenting on proposed federal GRSG management plans, including the ones in 2015 and 2017.

The need for improved protection and conservation of GRSG and its habitat is becoming more and more urgent. Recent scientific research on GRSG population indicate continuing downward spirals: https://pubs.usgs.gov/dr/1175/dr1175.pdf and https://www.usgs.gov/centers/werc/science/estimating-trends-greater-sage-grouse-populations-within-highly-stochastic. According to the American Bird Conservancy recently that range-wide GRSG populations may be down to the last 150,000 birds. Other research shows the loss of more than one million acres of sagebrush habitat every year: https://pubs.usgs.gov/of/2022/1081/ofr20221081.pdf .

Additional information needed: The draft RMPA/EIS presents a wide array of alternatives to improve its management of GRSG habitat on our public lands. It would be most helpful if additional information is made available by BLM to assist the public in evaluating the alternatives. The document should clearly state what elements of the 2015 and 2019 GRSG management plans would be continued and which would be dropped. It would also be very helpful to know what part of the former plans have been implemented and what parts were never implemented. We would also like to know which elements of these plans that were implemented were effective in providing measurable benefits to GRSG populations and habitat and why,. Likewise, we'd like to know why plan elements which are not a part of the 2024 proposed plan are ineffective and need to be changed. We ask for this information in order to be able to evaluate the various alternatives and to support all current proposed elements that will benefit or continue to benefit Sage-Grouse and its habitats.

Simplify sentences: We did find complicated and nearly indecipherable language in the document which prevented us from understanding BLM's explanations of and rationales for the alternatives. Here's an example from Section 2.4, p. 2-6. Please clarify this 83 word sentence. Our efforts to parse the sentence follows:

The preferred alternative represents goals (see **Section 2.5.1**), objectives (see **Section 2.5.4**), and management direction

> determined to be most effective

> at resolving planning issues

> by adjusting management options

> based on internal and external input and administration priorities,

> balancing resource uses

> by managing multiple use

> according to GRSG habitat designation, and

> meeting the purpose and need

>by ensuring management on BLM-administered lands,

>support GRSG conservation goals,

> and provides the BLM with locally relevant decisions

>that accord with range-wide GRSG conservation goals.

Goal clarification needed: The proposed new goal language (Section 2.5.1, p.2-9) needs clarification. Please define "persistent, healthy populations." How will achieving this

goal be measured? How many current GRSG populations in Nevada are "persistent and healthy" and how many don't meet this proposed goal? In alternatives 3, 4, and 5, the goal is modified by this language: "consistent with BLM's Special Status Species Management Policy (BLM-M-684)." Please describe BLM's Special Status Species Management Policy and how being consistent with it would affect GRSG management on public lands. Also in these alternatives, the goal statement does not include "restoring the sagebrush ecosystem." Please clarify if the omission means that BLM is dropping "restore GRSG habitats" from it new goal statement for GRSG?

Alternative 3: The proposed provision (p.2-13) "all areas managed for GRSG would be PHMA" seems to abandon the major focus of all other GRSG management plans - to protect the best of the best of GRSG habitats. Instead, if selected, this would result in treating millions more acres of marginal habitat with limited agency funds and staff rather than prioritizing agency actions on primary habitat management areas. Please explain BLM's rationale for eliminating the priority for management and protection of GRSG from actual PHMAs in this alternative.

Alternative 3: The proposed provision (p.2-23) to designate all PHMAs as ACECs seems to assume that GRSG protection would be greater under ACECs. Please clarify how GRSG protection and management would be the same or different under the 2 designations - PHMA and ACEC. There is not enough information in the dEIS for the public to determine which approach would afford the greater benefits to GRSG.

SFAs: The alternative comparison mentions SFAs (Sagebrush Focal Areas) as being in or out of the various alternatives (p. 2-13). Please clarify how GRSG management and protection in SFAs would differ from that in PHMAs and ACECs. It is also unclear which designation would provide the greatest benefits to GRSG. Please clarify.

exceptions: Various "exceptions" (Table 2-4) to improved GRSG management and protection from mining, fluid mineral, saleable minerals/mineral materials, non-energy minerals, locatable minerals, and minor rights-of-way, as well as allowing proposals to exceed disturbance caps and lek buffers requirement are provided for PHMAs in several alternatives. Are these simply loopholes from existing GRSG protections to "balance GRSG protection and management" with other multiple uses? Or do these represent BLM's regulatory uncertainty which lead the U.S. Fish & Wildlife Service to its warranted for listing decision on GRSG? Please remove these loopholes from all alternatives.

mitigation: We support BLM use of the mitigation hierarchy of avoid, minimize, compensate when authorizing actions resulting in GRSG habitat loss and degradation, but we got lost in the rest of this complicated description of mitigation (p. 2-22). It states

"for alternatives 3-6, the proposal is to achieve the at a minimum no net habitat loss...," but continues with other verbiage which is also undefined. Please explain whether "no net habitat loss" is the same as "full restoration of functional habitats?" Is the next phrase, "enhancement of habitats such that it offsets the loss of capacity in impacted areas" the same as no net habitat loss? Also, (p.2-24) is "net conservation gain" the same as "no net habitat loss?"

Also, more information is needed about the use and results of "compensatory mitigation." How often has this been used in Nevada and was it successful or not successful "in achieving no net habitat loss?" Please clarify what BLM will do if compensatory mitigation fails?

single species management: Lahontan Audubon Society volunteers are participating in a Pinyon Jay survey project with the Great Basin Bird Observatory (GBBO) and other Audubon groups in Nevada and across the Great Basin. Drastic declines in Pinyon Jay population mirror these declines in GRSG population. Drastic habitat degradation and losses for both species very likely are driving the negative population trends. Single species management is not benefitting either the GRSG, nor other declining species and should be replaced in the dEIS improved management proposals with more ecosystem-based management.

We appreciate the discussion of Pinyon Jays and the threats posed by conifer removals as stated in the draft EIS (p.3-27):

Thinning activities typically done on behalf of greater sage-grouse, fuels reduction, and to increase livestock forage in the pinyon-juniper ecotone between woodlands and sagebrush habitat may be negatively impacting pinyon jay populations.

The discussion in the dEIS of research being done by GBBO and others on Pinyon Jay habitat requirements, including the jay's caching of pine nuts in areas with both sagebrush and scattered pinyon pines, would appear to qualify Pinyon Jays as one of the over 350 species dependent on the sagebrush ecosystem.

We also appreciate the acknowledgement in the dEIS that the status of Pinyon Jays is being reviewed by the U.S. Fish & Wildlife Service for listing as a threatened or endangered species under the Endangered Species Act.

Members of Lahontan Audubon recently attended a joint BLM/USFS workshop on Pinyon-Juniper Woodlands in Sparks, NV and listened to discussions of scientific research on current management of these woodlands as well as to tribal panelists who are concerned about the adverse cultural impacts of federal agency woodland removal

projects. We were told of the dangers of single species management and the need to move to ecosystem management for these woodlands and the sagebrush ecosystem. See: https://www.usgs.gov/publications/a-hidden-cost-single-species-management-habitat-relationships-reveal-potential.

We support BLM using the best science in improving its GRSG management and recommend that the agency specifically include requirements to protect Pinyon Jays in its conifer removal projects, including the following:

1. follow the recommendations in the Conservation Strategy for the Pinyon Jay https://partnersinflight.org/wp-content/uploads/2019/10/Conservation-Strategy-for-Pinyon-Jay_Version-1_February-2020_LowRes.pdf

2. at a minimum, survey Pinyon-Juniper woodland areas targeted for tree thinning or removal projects for Pinyon Jay breeding activities, and avoid or postpone any proposed treatments until after breeding and nesting is completed.

It is difficult for us to support any one alternative presented in the BLM's GRSG draft RMPA/EIS and we recommend that the BLM choose elements in each alternative which most effectively address the threats which are leading to the extinction of GRSG and to the ecological collapse of the sagebrush ecosystem on which it depends.

However, we also recommend that BLM select an alternative with the best chance of being implemented. Without implementation, the best plan will result in zero benefits to GRSG populations or habitats.

We miss the cooperative and collaborative process which resulted in the 2015 GRSG management plan. We will need cooperation and collaboration from all agencies and individuals working on protecting the Sage-Grouse from extinction and its sagebrush habitats from further degradation and destruction.

Thank you for considering our comments.

Sincerely,

/s/ Rose Strickland

Rose Strickland, Chair
Conservation Committee
Lahontan Audubon Society

Consistency Reviewon ACEC-Imposed Restrictions by Resource				Sublette County Federal & State Land Use Policy (NRMP) Sept. 2021
DEIS Section	Resource	ACEC Alternative 3 Description	ACEC Alternative 6 Description	
4.2	GRSG	Under Alternative 3, all HMAs would be managed as PHMA, over double the acreage of PHMA compared with Alternatives 1 and 2 (Table 2-3). Management actions for PHMA, such as lek buffers, required design features, fluid mineral leasing prioritization, and habitat objectives, would be more restrictive. Managing previously designated GHMA as PHMA would minimize potential impacts to GRSG. Expanding PHMA in some states to	Emphasizes monitoring and coordination at the implementation level to meet land health standards and ensure suitable GRSG habitat. Incorporates thresholds, responses, and additional terms and conditions in areas lacking suitable habitat.	**Priorities** 2. Request the exclusion of critical habitat designations where analysis indicates economic impacts or socioeconomic impacts will be substantial.
4.7	Wild horse and burro	Management actions will be implemented to address the presence of wild horses and burros, aiming to reduce similar impacts on the landscape.	ACEC management would provide further protection to forage for wild horses and burros from surface disturbing activities outside of the HMA.	None
4.8	Livestock Grazing	PHMA would be unavailable to livestock grazing and all allotments would be removed from the rangewide planning area; the greatest restrictions on livestock grazing and would be the most protective of relevant and important values from impacts related to livestock grazing.	Livestock grazing in GRSG PHMA, IHMA, and GHMA would generally be permitted. Impacts on relevant and important values from areas available to livestock grazing within GRSG HMAs are considered, aligning with the indicators of impacts for ACECs as described under the Nature and Types of Effects. Improper livestock grazing could impact ACEC values; Closing ACECs to livestock grazing could help protect relevant and important values by eliminating soil and vegetation disturbance associated with livestock grazing; however, this could also increase the risk for wildfire due to increased fuel loads. Livestock grazing is	Priorities 2. Oppose AUM relinquishment, transfer, or retirement in favor of conservation, wildlife, or other uses besides livestock grazing.

4.9	Wind and Solar	PHMA would be ROW exclusion for wind and solar energy development.	PHMA would be designated as exclusion areas for utility-scale wind and solar development.	None
4.10.4	Saleable Minerals	BLM would recommend that certain areas are withdrawn from location and entry under the Mining Law. Recommending areas for closure to the mining laws for locatable exploration or development does not restrict any activities and therefore, such recommendation does not have any impacts. All PHMA would be recommended	Alternative 6 would designate ACECs in the same areas as under Alternative 3, along with a requirement to prepare a plan of operations for exploration operations disturbing five acres or less. Processing plans of operations is more time-consuming than processing an exploration notice. Additionally, designation of an ACEC would increase costs to those operators who would otherwise conduct	**Priorities** 1. Support federal and state agencies in considering the potential economic impact of any proposed land management changes or natural resource related plans to the minerals industry, and on the residents of the County, through in-depth economic impact descriptions in planning documents.
4.10	Mineral Resources	PHMA in all states would be closed to fluid mineral leasing, salable minerals, and nonenergy minerals; all PHMA and IHMA would be closed to new non-energy mineral leasing; there would be no GHMA. ...salable minerals would be closed to disposal in all PHMA. In areas with development potential for oil and gas resources, closing PHMA to leasing would result in a reduction in oil and gas development and production; Disturbances may not exceed 3 percent in PHMA in any biologically	...specific management measures are introduced for fluid mineral leasing in GRSG habitat areas; ACECs would be open to leasing subject to NSO stipulations; Valid existing rights are respected, and efforts are made to site projects in the least sensitive habitats. Fewer acres would be subject to an NSO stipulation (e.g., PHMA in WY would be 0.6-mi NSO around leks with TL stipulations in the rest of PHMA). Under this alternative more flexible WEMs would be considered in all states, allowing compensatory mitigation and	**Priorities** 1. Support federal and state agencies in considering the potential economic impact of any proposed land management changes or natural resource related plans to the minerals industry, and on the residents of the County, through in-depth economic impact descriptions in planning documents.

4.10	Fluid Minerals	All areas managed for GRSG would be PHMA and fluid minerals in these areas would be closed to leasing.	ACECs would have NSO stipulations applied to leases which could increase the costs of development or prevent the development of some oil shale and tar sands in the planning area.	**Priorities** 1. Support federal and state agencies in considering the potential economic impact of any proposed land management changes or natural resource related plans to the minerals industry, and on the residents of the County, through in-depth economic impact descriptions in planning documents.
4.11	ACECs	ACECs will be considered under this alternative, though because of the restrictive nature of the PHMA management under this alternative, there would be no different allocations between the PHMA and the potential ACEC boundaries.	ACECs specific to the management of GRSG would be designated (Map 2.6)	**Priorities** 1. Withhold County support for the designation of an ACEC within federal land management plans until: a. it is clearly demonstrated that the proposed area satisfies all the definitional requirements of FLPMA; b. it is clearly demonstrated that the proposed area and associated management prescriptions are limited in geographic size and scope to the minimum necessary to protect and prevent irreparable damage to the relevant values identified, or to the minimum required to protect human life or safety from natural hazards c.it is clearly demonstrated that the proposed area is limited only to areas that are already developed or used, or to areas where no development is required; d. it is clearly demonstrated that the proposed area contains relevant and important historic, cultural, or scenic values; fish or wildlife resources; natural processes which are unique or substantially significant on a regional basis; or natural hazards which significantly threaten human life or safety; e. the federal agency has fully analyzed regional values, resources, processes, or hazards for irreparable damage and its potential causes resulting from actions which are consistent with the multiple use, sustained-yield principles. This analysis should describe the rationale for any special management attention required to protect, or prevent irreparable damage to these values, resources, processes or hazards; f. it is clearly demonstrated that the proposed designation is consistent with the plans and policies of the County where the proposed designation is located; g. it is clearly demonstrated that the proposed ACEC designation will not be applied redundantly over existing protections provided by other state and federal laws for federal lands or resources on federal lands; and h. the difference between special management attention required for an ACEC and normal multiple use management has been identified and justified, and that any determination of irreparable damage has been analyzed and justified for short- and long-term horizons.

4.12	Socioeconomics	Under Alternative 3, on annual average, oil and gas production revenue and well development expenditures in the Wyoming analysis area is expected to result in about 22,000 fewer total jobs (about 10,000 fewer direct jobs), $1.7 billion less in total labor income (about $1.1 billion less in direct labor income), and about $8.0 billion less in economic output (about $5.7 billion less in direct economic output) across the state compared to development under Alternative 1.	Management of ACECs could lead to a reduction in the number of wells drilled and completed as well as oil and gas production from these wells in Wyoming.	**Priorities** 1. Encourage federal and state agencies to evaluate, mitigate, and minimize impacts to custom and culture and the economic stability of the County when considering any proposed changes in land use. Sublette County may be forced to appeal or seek other relief if federal and state agencies do not carefully consider economic impacts in land management decisions. 2. Request that federal land management agencies notify Sublette County of any actions or regulations that affect the economic base of the County. Sublette County will review and comment on proposed actions significant to the economic base of the County. When a negative impact of a proposed action is unavoidable, request that provisions should be made to mitigation or compensation for those impacts.

June 13, 2024

BLM Utah State Office
Attn: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, IT 84104

Submitted via https://eplanning.blm.gov/eplanning-ui/project/2016719/510

RE: Sage Grouse Plan Amendments, Sierra Club Wyoming Chapter Supplemental Comments

Dear Dr. Deibert and Mr. Bahr ,

We appreciate the chance to share our thoughts on the Bureau of Land Management's (BLM) "Greater Sage-Grouse Rangewide Planning Draft Resource Management Plan Amendment and Draft Environmental Impact Statement, DOI-BLM-WO-2300-2022-0001-RMP-EIS". The comments below from the Sierra Club Wyoming Chapter are supplemental to the Sierra Club's broader national comments. The Sierra Club Wyoming Chapter provides these comments on behalf of 2,702 Sierra Club members and supporters in Wyoming and 3.8 million nationwide. Our members care deeply about the health and security of our state's wildlife, including the greater sage-grouse.

Specifically, these comments are to call attention to particular landscapes in Wyoming that are vital for the long-term health and sustainability of the greater sage-grouse species. Wyoming has the largest population of sage-grouse in the United States and supports 35-40% of the range-wide population, including important core habitat and lekking sites.

Support for Alternative 3 with ACEC protections

Sierra Club supports excluding oil and gas development, mining, and livestock grazing from sage-grouse habitats in Wyoming, as described under Alternative 3. As stated in our broader national comments, under Alternative 3, all habitat management areas would be managed as Priority Habitat Management Areas (PHMA), closing them to new oil and gas development, mineral extraction, and livestock grazing. Compared to the other alternatives, Alternative 3 does the most to protect sage-grouse and the 350 different species of wildlife that depend on Wyoming sagebrush steppe from the impacts of these activities.

Alternative 3 contemplates the designation of Areas of Critical Environmental Concern (ACEC) to install special management practices to protect sage-grouse populations. The Sierra Club supports parts of Alternative 3, including newly designated ACECs to provide protected status to important areas with wildlife values from the activities discussed above. In Wyoming, two proposed ACECs that appear in the draft plan will protect the best remaining, irreplaceable intact sagebrush habitat in Wyoming's Golen Triangle and Northern Red Desert landscapes.

Wyoming's Golden Triangle

The region north of Wyoming Highway 28, situated between the Big Sandy River and the Sweetwater River, is locally referred to as the "Golden Triangle". It boasts the highest concentration of sage-grouse in the world, with the only lek in North America recording over 300 male sage-grouse in the last decade. The surrounding leks also support impressive counts, with over 100 males, four times the statewide average during population peaks. In addition to sage-grouse, this area serves as winter range for elk, mule deer, and pronghorn and contains a portion of the Red Desert to Hoback mule deer migration corridor.

As impacts from climate change threaten sagebrush systems elsewhere in the West, The Greater Yellowstone Climate Assessment [1] has concluded that this area is likely to remain a predominantly sagebrush landscape. Truly, this area is the "Core of the Core" for sage-grouse. Though known to local wildlife enthusiasts and biologists, this area is not officially designated. The Golden Triangle in Wyoming deserves permanent protection for its world-class wildlife values.

Little Sandy ACEC[2]

The proposed Little Sandy ACEC is situated in south-central Wyoming within one of the last remaining high-elevation deserts in the United States. Located north of Highway 28, the 367,362-acre area represented in the ACEC proposal encompasses a largely intact sagebrush-steppe ecosystem bisected by perennial and ephemeral drainages, as well as aspen communities and conifer patches in the foothills that slope into the Wind River Mountains to the north. The proposed ACEC wholly overlaps with an area referred to by wildlife managers as "the Golden Triangle", recognized locally for its unparalleled biodiversity richness and important wildlife habitat. This area supports the healthiest remaining greater sage-grouse populations in the world, with 800 male sage-grouse documented across several 'super' leks in the breeding season, surrounded by important nesting and chick-rearing habitats[3]. These wildlife and ecological values are uniquely vulnerable to impending threats not prohibited under current management, making the proposed Little Sandy ACEC especially worthy of consideration for designation.

The Federal Land and Policy Management Act (FLPMA) obligates the BLM to "give priority to the designation and protection of areas of critical environmental concern [ACECs]," which are areas "where special management is required to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources, or other natural systems or processes." 43 U.S.C.§1702(a). As proposed, the Little Sandy ACEC meets the

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[1] Hostetler S, Whitlock C, Shuman B, Liefert D, Drimal C, Bischke S. 2021. Greater Yellowstone climate assessment: past, present, and future climate change in greater Yellowstone watersheds. Bozeman MT: Montana State University, Institute on Ecosystems. 260 p. https://doi.org/10.15788/GYCA2021.

[2] Little Sandy ACEC nomination

[3] https://wyofile.com/blm-leases-23k-acres-in-sage-grouse-golden-triangle/

requirements for ACEC designation. Having been informed of these special values and their need for protection, it is the BLM's obligation to give priority consideration to designation and protection of a Little Sandy ACEC in the Rock Springs RMP.

Red Desert ACEC[4]

The proposed Red Desert ACEC represents some of the finest intact high-elevation sagebrush steppe in the contiguous United States. Located south of Highway 28 in Wyoming, the 153,763 acres represented in the proposal would help connect a patchwork of currently designated and undesignated public lands within a broader landscape clearly deserving of protection. This landscape stitches together a matrix of badlands, buttes, and rolling sagebrush terrain, bordered by currently designated Wilderness Study Areas (WSAs), Lands with Wilderness Characteristics (LWCs), and other ACECs. The region is unique in that the Continental Divide splits and rejoins in this area, creating the Great Divide Basin—into which water collects rather than ultimately flowing to either the Pacific or Atlantic. This unique setting, as well as numerous ecological values vulnerable to impending threats, make the proposed Red Desert ACEC especially worthy of consideration for designation.

This area provides important breeding, foraging, nesting, wintering, or migratory stop-over habitat for sagebrush obligate species, including greater sage-grouse, sage thrasher, and sage sparrow, among others. Numerous other avian species can be found in sagebrush habitat and/or among the diverse micro-habitats of the "sky islands" of buttes, hills, mountains, ridges, and pinnacles throughout the Red Desert. Portions of the proposed Red Desert ACEC are within the Wyoming-designated Greater South Pass Sage-Grouse Core Area. Given the alarming long-term range-wide population declines documented amongst greater sage-grouse, durable protection of areas such as this proposed ACEC is incredibly important for the future of this iconic western bird and other sagebrush obligate species. In addition, the broader Red Desert landscape is known to be the largest unfenced landscape in the continental United States, contributing to the proposed ACEC's scenic value, renowned migratory wildlife populations, and more than locally significant values. The area's scenic value is also illustrated in the uniquely high scores from the CSP analysis in geophysical diversity, geophysical rarity, and night sky darkness.

Conclusion

Protection for sage-grouse, a keystone species, means sustainable, biodiverse landscapes in Wyoming for years to come. Therefore, places of high significance, such as the proposed Little Sandy Area ACEC and Red Desert ACEC, require the protections that would be conferred by ACEC designation under Alternative 3. For the reasons stated above, the Wyoming Chapter urges BLM to designate the Little Sandy Area ACEC, which encompasses the Golden Triangle, and the proposed Red Desert ACEC, which protects vital high desert, a unique sand dune

[4] Red Desert ACEC Nomination

environment, and sagebrush-steppe habitat, with ACEC management provisions consistent with excluding new oil and gas leasing, mining, and livestock grazing.

Sincerely,

Robert Joyce
Chapter Director
Sierra Club Wyoming Chapter

Kaycee Prevedel
Conservation Organizer
Sierra Club Wyoming Chapter

Comments on the BLM sage grouse plans 2024

Federal agencies continue to plan and revise plans while state agencies more often than not prefer political rhetoric over biological reality. A state biologist summarized the situation well by noting that one western state is a “tough place to work on sage-grouse, and to be honest at the same time.”

Although threats to sage-grouse may vary across the species’ range, one overarching factor is clearly damaging attempts by scientists and resource managers to conserve the species. This threat is the proliferation of state and federal administrators and policy makers that refuse to place a high priority on sage-grouse conservation and instead value politics over biology.

• **Mitigation**;
Reference areas are needed. RNA type, ACEC’s for good condition habitat are needed for comparison to the generally degraded habitat. Re-establish ACEC’s in Idaho that were dropped in recent years. These reference areas are needed to compare vegetation changes that are occurring due to management and climate change. **Specifically, ACEC’s in the Boise District were dropped that are critical to compare vegetation changes that are occurring in sage grouse habitats and slightly warmer habitats that may be critical to future vegetation management**. Without actual comparison areas many management actions and policies are only a human theory or guess not reality.

Seed Orchards:
The Bureau has done a poor job of acquiring quality native seed. We need designated “seed orchards” on public lands for each type of seed for restoration. These orchards need to be set aside and managed for seed production. These areas should be chosen for their high value and protected from grazing and **recreational damage**. Shrubs will produce more seed if not

grazed. Most of the sage grouse preferred forbs are palatable to livestock and need protection. Many of these sites could produce large amounts of seed if protected. Harvesting native shrubs, grasses, and forbs from public lands makes the most sense and is economical. The idea of shrub reserves was discussed back in the 1990's by Boise District BLM staff but management never acted on the proposals.

The BLM seed warehouses are a good idea, but BLM needs many more warehouses and need to hire more knowledgeable staff to operate these facilities. Currently the warehouses are operated by the fire staff rather than by the biologists. Tracking geographic sources and elevations of seed is lacking.

The BLM also needs to establish seed bank storage which includes large volume refrigerated units to store sagebrush seed.

Mitigation and training:
Agency personnel lack the knowledge and skills to properly manage sage grouse.

> For example: Most of the sagebrush planted as "restoration" for sage grouse **are Basin big sagebrush** which provide hiding and thermal cover but is not preferred or eaten by sage grouse. Low sagebrush types are preferred by sage grouse for food and they or silver sagebrush need to be used for restoration purposes. The Bureau needs training classes specifically on sage grouse needs and include forbs and sagebrush classes. The Bureau lacks any structure for quality control for the field offices. The Division of resources and State offices used to include subject matter specialist (cultural, fisheries, botanical, scientist) but such quality control disappeared in the 90's and now State office specialist are merely bookkeepers and do not work on subject quality control at all.

The Bureau needs major reorganization to function again. Subject areas need control of their own budgets and personnel rather than politically influenced managers.

Types of sagebrush:
The SG plan greatly generalizes the types of sagebrush. Ignoring several other subsp. of big sagebrush (*Artemisia tridentata subsp. spiciformis; A. tridentata subsp. xericensis, A. tridentata subsp. parishii,* (with 4 varieties). There is no recognition of Idaho 3-tip sagebrush which is eaten by sage grouse (*Artemisia tripartita subsp. tripartita)* (and occurs in 6 states), and stiff sagebrush whose habitat is utilized in the winter. Another very common sagebrush that is reported as fodder for sage grouse is fringed sagebrush (Artemisia frigida).

This sort of typical generalized perspective on the habitat features that are critical to sage grouse is one reason we are in such a crisis now. The Bureau needs to support research and create regional common gardens to understand what species and subspecies are preferred by sage grouse. These common gardens need to be protected from grazing and the various regional sagebrush's need more chemical and palatability studies.

Given our changing climate and increase in fires the Bureau should be researching or supporting research on the use of the resprouting species and subspecies of **silver sagebrush**.

Also, the herbaceous sagebrush species need to be studied since they too have been reported as fodder for sage grouse. There are numerous species of these herbs that most agency biologists ignore.

Forbs:

The same or more so can be said about the role and the specifics on the role of edible forbs for sage grouse. Again, most of the common edible forbs are not common anymore due to heavy grazing pressure and the forbs present now are mostly low or inedible for sage grouse.

• **GRSG habitat objectives**.
These plans lack a comprehensive approach to controlling invasive annual grass species. Minimizing surface soil disturbances based on soil types, season of use, and elevational status. Management of livestock grazing to minimize soil disturbances and promoting perennial grass, palatable forbs, and biocrusts could decrease flammable invasive annual grasses. There are many examples of enclosures that restrict grazing and within the enclosure the cheatgrass has decreased and the perennial grass dominates.

Collaboratives:
The sage grouse working groups are full of pro-ranching and non-biologists who do not get much done. Folks on these collaboratives are self-selective, overly compromising types and the consumptive users far outnumber the conservation biologists. Build true collaboration and fill the group with more knowledgeable folks.

The institutional bias at the BLM is hampering the goals of protecting sage grouse. If BLM would view and enforce the laws already on the books the vegetation would not be so degraded. This new rule of conservation has equal standing with consumptive uses is a joke. So, the conservation groups are supposed to lease a degrade landscape to improve it for the ten-year lease and then let the lease go back to abusive management. The BLM's duty is to protect the land and its vegetation. **Our public lands have degraded greatly in the last 47 years that I have been working in this vegetation type**.

Reference areas.
Existing designated ACECs need protect not GIS mapping alone.

• **Disturbance**;
Bureau travel management plans continue to allow excessive vehicle use and this is a major disturbance for GRSG populations.

Wildfire suppression: Several groups have suggested a major change to how the Bureau manages wildfire suppression in sagebrush steppe, yet there have been no major policy changes. Having more and earlier aerial suppression by regional rather than local offices would reduce the size and extent of the burned areas. Waiting for regional suppression to start only after fires get out of hand is not a good way to protect the habitat.

Restoration Post fire is also done with local staff that rarely have the knowledge to deal with the size and extent of the restoration. The Bureau **contracting methods** and polies are not streamlined enough to act in a timely manner.
• Fluid mineral development and
leasing objective;
• Fluid mineral leasing waivers,
exceptions, and modifications;
• Renewable energy development and
associated transmission;
• Minimizing threats from predation;
• **Livestock grazing;**
The Bureau lacks proper compliance with their grazing program. They are short of personnel, especially field-oriented range technicians that do compliance checks on the permittees. So, these current SG plans are merely business as usual with no one watching the chicken coup. These plans are worthless without compliance monitoring.

Alternatives for constructing enclosures to use as ungrazed reference areas: identify that during land health evaluations, small (40 acres or less) reference

areas would be considered in priority sage-grouse habitat to exclude livestock use for the purposes in aiding BLM's ability to establish control areas when analyzing impacts to permitted activities such as livestock grazing and better inform management decisions. This option needs to be at the RMP level to get it even considered at the allotment level. Without reference areas the Bureau will never know how it is doing.

Alternatives that require allotment level acceptable livestock grazing utilization, trampling levels, and shrub structural protections and other mandatory and enforceable terms and conditions for both upland and riparian vegetation.

Another major change in livestock operations to help both the permittees and the restoration of the land are “rest pastures”, or “reserve pastures”. There is an urgent need for rest pastures that permittees can place their livestock in when their current allotment is burned or experiences a restoration treatment. This way the permittee is not hurt by restoration. The permittee can graze the reserve pasture for several years while his home allotment is restored. These reserve pastures could be in every field office and as one permittee retires that pasture can be come a rest pasture. Many current ranchers are aging out of active management and could be bought out to establish reserve pastures.

Resistance and Resilience

The condition of sagebrush vegetation within HMAs can be assessed on the concepts of resistance and resilience (Chambers et al. 2014a, b; see Table 3-3 [Appendix 9]). Resistance relates to a vegetation community’s ability to retain its structure, processes, and function when exposed to stresses, disturbances, or invasive species. Resilience relates to a vegetation community’s capacity to regain its structure, processes, and functioning after disturbance, such as wildfire (Chambers et al. 2014a, 2014b). At sites in higher elevations with higher precipitation levels and soil moisture content, sagebrush steppe vegetation is

more resistant to cheatgrass invasions and wildfires and more resilient to disturbances (Chambers et al. 2014b). This is generally true but recent actual data from the Soda fire in ID/OR (Anthony & Germino 2023, Germino et al. 2023) has shown that Sandberg blue grass also has a much higher resistance and resilience than the Chambers et al. 2014 report suggests.

Based on actual data many of the resistance and resilience rating for plant communities need to be re-evaluated and receive higher rating if they have a lot of Sandberg bluegrass. This would affect a lot of lower elevation sites.

• **Wild horse and burro management**;
There are still 4X the number of wild horses as planned for in the management plans. Again, there is little to no compliance and many of the ranchers use the BLM rangelands to graze their domestic horses in the summer as do adjacent landowners. Where there are currently designated wild horse and burro herd management areas overlapping PHMA, the wild horse and burro herd management area would become a Herd Area that is not managed for wild horses and burros.
• **Areas of Critical Environmental Concern;** and
• **Adaptive Management.**
Sixteen adaptive management habitat triggers were tripped between 2015 – 2020, mostly the result of sagebrush loss to wildfires. **Yet most of these areas are currently being grazed before the areas have been restored to pre-fire sagebrush cover**. The existing RMPs have not adequately considered conservation measures for GRSG habitats and therefore the populations of GRSG continue to decline.

The BLM has not used current scientific information, research, technologies, and results of inventory, **monitoring**, and coordination to improve or change management strategies that will enhance or restore GRSG habitats. Nearly half of the BLM grazing allotment are not meeting the rangeland health

standards and guidelines, yet they continue to graze these areas at the same level despite not meeting the standards. This along with a warming climate are degrading GRSG habitat irreplaceably. These allotments need to be either rested or stocked at much lower levels.

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Wednesday, June 12, 2024

BLM Utah State Office
ATTN: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84101

Subject: Give Sage-Grouse the Strongest Protections Possible and Adopt Alternative 3 -- 2021 Greater Sage-grouse Land Use Plan Amendments (NEPA Number: DOI-BLM-WO-2300-2022-0001-RMP-EIS)

To Secretary of the Interior Deb Haaland and BLM Director Tracy Stone-Manning:

I strongly urge you to select Alternative 3 in the greater sage grouse draft environmental impact statement and designate all priority habitat as Areas of Critical Environmental Concern (ACEC), which can provide the effective management standards needed to conserve the greater sage-grouse and protect its sagebrush habitat. I am concerned that Greater Sage-Grouse populations have declined 80% across their range since 1965, with over half of that loss occurring since 2002. Sage-grouse, and the fragile sagebrush ecosystem, need conservation to survive. Alternative 3 provides the strongest, science-based protections to reverse these iconic birds' alarming downward population trend and save their Sagebrush Sea habitat. It also makes a good start by designating 11 million acres of ACECs. Prioritizing ACECs is required by the Federal Land Management and Policy Act, the BLM's guiding statute.

The greater sage-grouse is an imperiled western bird and an ambassador for the Sagebrush Sea, an iconic biome of the American West that is vital not only to the sage-grouse but also to more than 350 other species of conservation concern that have evolved as part of this ecosystem. These include the pronghorn, pygmy rabbit, mule deer, native trout, and nearly 200 migratory and western bird species, including pinyon jay, Brewer's sparrow, sage sparrow, and sage thrasher.

Greater sage grouse once occupied hundreds of millions of acres across the West, but their populations have plummeted as oil and gas development, livestock grazing, roads, powerlines and other activities have destroyed and fragmented their native habitats. A recent U.S. Geological Survey study concluded that grouse populations will continue to decline and that their range will continue to contract if substantial new conservation measures are not put into place. Given this devastating news, it is disappointing that designation of ACECs was not included in the preferred alternative.

Reversing grouse declines can only be accomplished with science-based management plans that protect their leks. Alternative 3 offers the most protective management standards, and the EIS found that designating ACECs would bolster grouse conservation.

I'm glad the Bureau of Land Management recognizes that its 2015 plans aren't sufficient to protect sage grouse. Because the BLM manages the habitat where most of the sage-grouse are found, I appreciate that you are revisiting the 2015 management plans and incorporating new science to improve the management of their habitat on public lands. However, the agency's preferred alternative, Alternative 5, doesn't sufficiently protect sage grouse. The 2015 strategy was not strong enough to curb continuing greater sage-grouse declines and habitat losses. In those strategies, the BLM identified priority habitats but still allowed damaging activities like fossil fuel development and mining that led to priority habitat losses. Like the 2015 plans, the current preferred alternative still allows for harmful activities that have already led to priority habitat losses. And, disappointingly the proposed protections this alternative does include can be exempted or waived for an oil or gas drilling lease or other extractive uses and development. The BLM should not continue the same approach and instead should designate a range-wide ACEC network with strong protections.

I am disappointed that the BLM did not include the Sagebrush Sea Reserve ACEC Network within the range of alternatives. All priority habitat should be included as ACECs. Priority grouse habitats should be withdrawn from mining to give both the plans, and the birds they benefit, the greatest chance of success. Conservation of sage grouse requires regaining lost ground—not continuing to cut away at the remaining acres the birds need to thrive for all their lifecycle needs.

I strongly support the designation of a range-wide ACEC network that protects Priority Areas for Conservation identified by the US Fish and Wildlife Service as essential habitats for long-term sage-grouse viability. These areas—collectively labelled the Sagebrush Sea Reserve ACEC network—were nominated by a group of conservation organizations. A designated network of ACECs would serve as anchors for conservation and restoration, an approach articulated by the BLM and state fish and wildlife agencies in their respective "protect the core/grow the core" strategies.

I also support the BLM "locking-in" management timeframes for evaluating the impacts of grazing in greater sage grouse habitats; without enforceable schedules, this important impact is being ignored.

I oppose the use of "restoration" as mitigation—too often, this means removal of native, woody vegetation and "treatments" that harm sage grouse habitats over the long term.

I urge the BLM not to choose Alternative 5 and instead go with the science-backed Alternative 3 and designate all priority habitat as areas of critical environmental concern and withdraw them from mining to give grouse and its habitat the best chance to survive. Please protect a five-mile zone around all sage-grouse leks where most sage-grouse nest and raise broods.

I also urge the BLM to use the latest science on climate change and greater sage-grouse population needs to guide management, inform the selection of habitat areas, and apply meaningful adaptive management. The BLM must also protect the last, best

remaining intact sagebrush habitat, as these can’t be replaced. I support ensuring the strongest protections for these places, many of which are included in the draft plan. Among these are the Golden Triangle (WY), North Park (CO), portions of Owyhee-Jarbidge (NV/ID border) and High Divide areas (ID/MT border), South Valley Phillips/Hi-Line (MT), and areas identified within Rich County/Bear River Valley (UT) and northeastern CA.

The BLM must swiftly adopt a durable solution to this decades-long planning effort so attention can refocus on implementing conservation actions, including habitat restoration, before it is too late. The BLM must also provide a strong and consistent management action that takes into account changing climatic conditions to stem the ongoing population declines.

The Sagebrush Sea—the sagebrush dominated ecosystems that blanket the interior west—is imperiled and at a tipping point. It is very important to me that this beautiful and wildlife-rich biome does not decline so much that we cannot recover it and conserve the rich tapestry of native plants and wildlife that live there. And protecting greater sage grouse habitat will also help other wildlife on the sagebrush plains, including pygmy rabbits, golden eagles, and endangered black-footed ferrets.

Thank you for considering this request to adopt Alternative 3 and designate all priority habitat as Areas of Critical Environmental Concern. Thank you for your efforts to work with States, Tribes, and stakeholders across the West and for recognizing the agency's important role in ensuring we have healthy public lands to hand down to future generations. These lands and the wildlife they support are our legacy. Thank you for taking action to conserve birds and vital habitat.

Thank you for your consideration of my comments. Please do NOT add my name to your mailing list. I will learn about future developments on this issue from other sources.

Sincerely,
Christopher Lish
San Rafael, CA

P4 Production, L.L.C. Comments on BLM Draft RMP Amendment and EIS for Greater Sage-Grouse Rangewide Planning (March 2024) (89 Fed. Reg. 18963 (March 15, 2024))

No.	DEIS Section/Page	DEIS Provision	Comment
1	§ 1.1; Introduction, p.1-1	"The BLM's land management plans . . . include . . . actions for managing GRSG habitat on BLM-administered public lands . . . ."	Here and throughout the document BLM should expressly clarify that BLM's RMP amendments apply only to BLM-administered public lands within designated GRSG habitat. Habitat can occur on BLM land but if it is not designated it does not fall within the scope of the plan amendments and would be managed under previous, existing RMPs. See, e.g., 2015 Idaho/SW Montana ARMPA, p.1-1, for the statement that BLM lands not designated as habitat management areas for sage-grouse "will continue to be managed according to the existing, underlying land use plans."
2	§ 1.2.1; GRSG Planning Background, p.1-3	"The BLM is enjoined from implementing the decisions from the 2019 RODs, and as such the actions contained in the 2015 RODs remain in effect."	Clarify the impact of BLM's January 2021 Records of Decision following the federal district court preliminary injunction of the 2019 RODs. In 2021, BLM issued a ROD for Idaho that "reaffirmed" the 2019 ARMPA after the preliminary injunction issued in 2019. This ROD has not been enjoined by any court and remains in effect.

RESTRICTED

No.	DEIS Section/Page	DEIS Provision	Comment
3	§ 1.4; Planning Area and Decision Area, p.1-5	"The BLM can only make decisions on the public lands and federal mineral estate within the agency's jurisdiction."	Clarify that the RMPA only applies to the surface estate that is disturbed to access and mine the federal mineral estate directly beneath that portion of the surface estate and not other portions of a mining project on split estate lands where the surface is not disturbed to access the federal minerals directly beneath the surface. Explain that to restrict nonfederal surface lands over federal minerals that are undeveloped would result in a taking of private property without just compensation. The text subsequently appears to vaguely address this point by discussing "split-estate lands with BLM-administered subsurface mineral rights directly underlying the non-federal ownership." Clarify by inserting "developed" between "rights" and "directly."
4	§ 1.4; Planning Area and Decision Area, p.1-5	"The decision area for some alternatives may also include areas new to, but outside the habitat management areas to address potential indirect impacts. . . ."	Strike this provision or clarify that (1) the decision area does not extend outside of designated habitat management areas specifically designated on BLM lands and (2) it does not encompass land outside of habitat management areas off of BLM lands. HMAs cross all jurisdictions and BLM has no decision authority outside of the BLM lands nor should the RMPA impose decisions on BLM lands that are not designated HMAs. Impacts can be addressed in the EIS but the spatial scope of the NEPA analysis does not equate to BLM's decision areas where management prescriptions apply.

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No.	DEIS Section/Page	DEIS Provision	Comment
5	§ 1.4; Planning Area and Decision Area, p.1-5	"For non-federal surface lands with underlying split federal mineral estate, only decisions associated with management/development of the underlying federal minerals would be applicable."	Clarify that only decisions associated with development of the underlying federal minerals would be applicable to the immediate surface area disturbed by that development and not to any other nonfederal surface estate overlying federal minerals elsewhere within the project area. Clarify that the decision area is no larger than the HMAs on BLM surface lands and over federal minerals land in only those locations where the federal minerals are developed.
6	§ 1.5; Planning Criteria, p.1-6	"The RMPA will be limited to making RMP decisions specific to conservation of [designated] GRSG habitats [on BLM lands] . . . ."	Insert bracketed text to avoid suggesting RMP decisions will apply to undesignated sage-grouse habitat on BLM land or on designated HMAs not located on BLM land. Make this clarification throughout the RMPA.
7	§ 1.6.2; GRSG Issues/ Management Not Considered for Rangewide Amendment, p.1-8	"This RMPA is not reconsidering all existing GRSG management actions in the 2014 and 2015 RMP Amendments and revisions or the 2019 RMP Amendments."	The 2015 ARMPA, Section 2.1, contained the provision that in the event of any discrepancies or inconsistencies with previously approved RMPs, the 2015 decisions would be followed "unless there are more restrictive decisions in the existing plans." Clarify that this "ratchet" of reference back to more restrictive provisions is specifically rejected in this plan so that where there are inconsistencies or discrepancies with previous RMPs, this plan controls or, alternatively, the more lenient decisions among the existing plan and prior plans apply.
8	§ 2.1.1; Components of Alternatives, p.2-1		Define "management action" and "management decision" in the Glossary.
9	§ 2.2.1; Alternative 1, p.2-1	"This alternative reflects how the BLM is currently managing GRSG habitat on public lands."	If this is the case, would not this be the "no action" alternative?

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No.	DEIS Section/Page	DEIS Provision	Comment
10	§ 2.2.2; Alternative 2, p.2-1	"Alternative 2 is the No Action Alternative . . . ."	This section is confusing. While it is technically correct that the 2019 Amendments are only preliminarily enjoined, that status renders them currently ineffective and thus they cannot be part of the current No Action Alternative because no action on the RMPA would result in application of the 2015 ARMPA and not the 2019 Amendments.
11	§ 2.5; Detailed Description of Draft Alternatives, p.2-9	"BLM proposes to adopt the lek definitions published by WAFWA and use them when implementing GRSG management."	Does this mean that lek definitions in place prior to the Record of Decision adopting this approach will become null and void immediately upon issuance of the ROD or will those prior definitions remain in place until leks are resurveyed? In other words, are the new WAFWA lek definitions to be applied retroactively to pre-ROD lek data or only to lek data commencing with the first lekking season following the ROD?
12	§ 2.5.2; Habitat Management Area Alignments and Associated Major Land Use Allocations, p.2-11	"Management actions that follow are specific to BLM-administered lands."	Clarify that the management actions are specific only to BLM-administered lands that contain designated HMAs.
13	§ 2.5.2; Habitat Management Area Alignments and Associated Major Land Use Allocations, p.2-11	"These [GHMA] are defined differentially by state wildlife management agencies . . . ."	"Defined" differentially or "mapped" differentially by state wildlife agencies? If the definitions differ among states, include a table of each state's definition and reconcile these definitions with the global definition of GHMA in the Glossary at page Glossary-3.

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No.	DEIS Section/Page	DEIS Provision	Comment
14	§ 2.5.2; Habitat Management Area Alignments and Associated Major Land Use Allocations, p.2-11	"If specific language from previous plans is not included in this amendment, it has not been considered for amendment in this effort."	This creates an impossibly complex task for the public to discern whether "specific" language from previous plans is or is not included in this 2024 amendment. If the exact language from a previous plan is not included in the 2024 Plan, does this mean the exact language from previous plan remain in effect even though the general subject matter of that previous, specific language is addressed in this amendment?
15	§ 2.5.2; Habitat Management Area Alignments and Associated Major Land Use Allocations, Table 2-4, p.2-18	Summary of Alternative 1: Non-energy Minerals: "no specific allocations for GHMA (meaning open) though most have mitigation measures such as RDFs/BMPs and mitigation."	This is an incorrect summary of the 2015 ARMPA. Lek buffers are applied to actions in GHMA for non-energy minerals. These proscriptions are limited to initial mine development but that has been broadly defined by the Idaho federal district court to mean nearly complete mine development prior to ore extraction. BLM should adopt Alternative 2's approach into its preferred alternative by which lek buffers and RDFs are not applicable to GHMA but could be considered among Best Management Practices when they are technically and economically feasible.
16	§ 2.5.2; Habitat Management Area Alignments and Associated Major Land Use Allocations, Table 2-4, p.2-19	"Careful consideration of areas within habitat management areas and field investigations are needed to apply GRSG management in an area that meets GRSG plan goals and objectives."	This excellent concept begs the question whether BLM has the resources and staff to fulfill this important promise. If not, it is meaningless.

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No.	DEIS Section/Page	DEIS Provision	Comment
17	§ 2.5.2; Habitat Management Area Alignments and Associated Major Land Use Allocations, Table 2-4, p.2-19	"If during consideration of a proposed action . . . potential non-habitat is identified, a field investigation should be conducted by a BLM biologist."	Does this refer to potential non-habitat identified inside or outside of mapped HMAs? It must apply to non-habitat inside HMAs so that habitat can be carved out of the decision area applicable only to HMAs.
18	§ 2.5.2; Habitat Management Area Alignments and Associated Major Land Use Allocations, Table 2-4, p.2-20	"Indirect and direct impacts to adjacent GRSG populations and their habitats (including potential habitat) still need to be considered in planning and authorizing projects in these non-habitat areas."	While NEPA requires consideration of direct and indirect impacts both in and outside designated habitat, projects should be authorized even when impacts occur since NEPA is only a procedural statute and does not dictate a project level decision even though that decision may be detrimental to sage-grouse habitat.
19	§ 2.5.2; Habitat Management Area Alignments and Associated Major Land Use Allocations, Table 2-4, p.2-20	"All management objectives and decisions associated with each management area type can apply [if] . . . project related access through/across GRSG habitat . . . only occurs on existing routes, and the proposed action would not include new roads or upgrades to roads."	This section reads as though management decisions in GHMA on BLM lands would not be permitted if they authorize new routes as part of the proposed action including new roads and upgrades to roads. If this is a correct reading, this provision would prevent, for example, a mine from developing a haul road either on an existing two track road or on undisturbed lands that would be necessary to move the excavated ore to processing areas.

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No.	DEIS Section/Page	DEIS Provision	Comment
20	§ 2.5.3; Mitigation, p.2-22	"Compensatory mitigation . . . should be durable . . . and should be completed prior to associated actions occurring."	Clarify how BLM would intend to measure durability. Is it measured at the outset of the mitigation? If so, how can that be measured when sagebrush restoration as an example of mitigation could take decades before it can be determined whether any initial restoration effort is durable? Additionally, compensatory mitigation could be in the form of in lieu fee payments that have no "durability." Only when that money is converted to a project is there a question of durability, but the payment of the fee is immediate. Also, how can compensatory mitigation be completed prior to associated actions occurring if those associated actions refer to development of a project? In other words, how could compensatory mitigation be completed on sagebrush restoration prior to issuance of a Notice To Proceed? See, for example, Table 2-5 at page 2-23 stating that "Restoration of most sagebrush systems can take decades."
21	§ 2.5.3; Mitigation, p.2-22	"Compensatory mitigation should also be prioritized to occur within the same area of impact … so that it provides habitat for GRSG populations affected by the project."	While mitigation near a project is generally a reasonable concept, it should not be required for projects in marginal GHMA. And doing so is contrary to BLM's Manual and Handbook on compensatory mitigation. *See* MS-1794 at 7-8 and H-1794-1 at 3-17 expressly disavowing a bias toward siting compensatory mitigation near the project requiring mitigation. This is especially so when habitat near a project has been subject to extensive, pre-existing anthropogenic disturbance, and naturally fragmented by non-habitat plant species (e.g., trees), rock outcroppings, steep slopes, and other impediments to functional habitat. Expending compensatory mitigation in such locations would not be the optimal use of the mitigation and could be difficult given the lack of durable opportunities for habitat improvement.

RESTRICTED

No.	DEIS Section/Page	DEIS Provision	Comment
22	§ 2.5.3; Mitigation, Table 2-5, p.2-23	"Compensatory mitigation should be completed prior to initiating the activity causing the need for compensation and monitored for retention and efficacy."	Same comment as above. It is impossible to complete compensatory mitigation in the form of, for example, habitat restoration prior to initiating project activity resulting in land disturbance that causes the need for the compensation. Read literally, this requirement means that a project proponent would need to restore habitat decades prior to receipt of a Notice To Proceed.
23	§ 2.5.3; Mitigation, Table 2-6, Comparison of Alternatives, Applicaton of Habitat Objectives, p.2-27	Management Action SSS [X2]: "Design and implement projects that will maintain or improve habitat suitability, availability, and connectivity . . . ."	Improvement of habitat is the same as a net conservation gain and thus negates the option of requiring no net loss of habitat under Alternatives 3-6.
24	§ 2.5.3; Mitigation, Table 2-14, Comparison of Alternatives, ACEC Management, pp.2-118-119	Alternative 6, Non-Energy Minerals, would be "closed to new leases and expansion associated with existing operations."	Clarify what "expansion associated with existing operations" means. Does this mean that BLM would not authorize mineral lease modifications? If the answer is possibly yes, Alternative 6 should not be adopted by BLM.
25	§ 2.5.13; Adaptive Management, p.2-121		Clarify that an "initial causal factor analysis" is not equal to a management prescription.

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No.	DEIS Section/Page	DEIS Provision	Comment
26	Table 2-15; Comparison of Alternatives, Adaptive Management, p.2-125	Under Alternatives 3 and 4, "Existing permitted activities can continue unless those activities are causing mortality to GRSG or direct loss or degradation of occupied GRSG habitat."	Once an activity has been permitted, BLM should not change the terms and conditions of that existing permitted activity if it is found to cause sage-grouse mortality or degradation of habitat. Those potential eventualities would have been analyzed in the NEPA analysis supporting the existing permits and considered in the issuance of those permits. Retroactive amendment of existing permits based on foreseeable future conditions analyzed prior to permit issuance would significantly destabilize permitted activities across all sage-grouse habitat and negatively affect a project proponent's ability to obtain financing for a project that could be retroactively changed once permitted.
27	§ 2.5.13; Adaptive Management, Table -5, p.2-126	Alternatives 3 and 4, "Exceptions to limitations imposed for exceeding thresholds include renewal of existing activities that require a permit if . . . it does not result in known impacts to habitats or populations."	If the permit was issued with the knowledge and analysis that the project would impact habitat or populations, then renewal of that project without any changes in the project's scope or duration should not be denied. With no changes in environmental impacts and thus no additional NEPA requirements, renewal should be automatic assuming the project proponent has complied with the BLM's regulations and terms and conditions of BLM's existing authorizations. Otherwise, this provision means that no project that impacts sage-grouse habitat and populations can be renewed.
28	§ 3.10.2; Non-Energy Leasable Minerals—Phosphate, p.3-38		Explain the derivation and importance of "Known Phosphate Leasing Areas." In addition, explain that leases may be modified under 43 C.F.R. § 3510 and that any such modifications should be treated the same as the lease that they modify.

RESTRICTED

No.	DEIS Section/Page	DEIS Provision	Comment
29	§ 4.2.1; Nature and Types of Effects, p.4-1	"Habitat management and designations impact GRSG by influencing the level of activities and associated disturbances that can occur in [BLM-designated] GRSG habitat [on BLM lands]."	Insert bracketed language.
30	§ 4.2.6; Alternatives 5 and 6—Minerals Management, p.4-32	"Impacts from reduced lek buffers in IHMA and GHMA will provide for additional opportunities for mineral resource management, specifically saleable minerals and non-energy leasables."	P4 Production strongly agrees with this statement.
31	§ 4.10.2; Non-Energy Saleable and Leasable Minerals—Alternative 1—Rangewide Environmental Consequences, p.4-97	"Application of . . . lek buffers in PHMA and GHMA could impact both new and existing non-energy leasable minerals activities by preventing or restricting new surface development and reducing ultimate recovery of the resource."	P4 Production strongly agrees with this statement and for this reason Alternative 1 should be rejected.
32	§ 4.10.2; Non-Energy Saleable and Leasable Minerals—Alternative 1, p.4-97		Clarify how this draft RMPA addresses the notion of "key habitat." Under the 2015 ARMPA, key habitat was confusingly portrayed as both outside BLM's decision area, especially in KPLAs, and also subject to incorporation of lek buffers and RDFs even though mapped key habitat could completely lack habitat due to, for instance, a fire. "Key habitat" is not defined in the Glossary. The draft RMPA should disavow any application of management decisions to anything other than designated HMAs on BLM land and specifically jettison the concept of key habitat as a decision area.

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No.	DEIS Section/Page	DEIS Provision	Comment
33	§ 4.10.2; Non-Energy Saleable and Leasable Minerals—Alternative 1, p.4-97	"Development on these acres would also be subject to RDFs, BMPs, and buffers for exploration and initial mine development, and compensatory mitigation once mining commences."	Define "initial mine development." Under the 2015 ARMPA, the concept was defined by examples such as grubbing and shrub removal. The federal district court in Idaho expansively defined the concept as much more than initial mine development and closer to full mine development prior to extraction of ore. (Similar comment for similar language on p.4-98.)
34	§ 4.10.2; Non-Energy Saleable and Leasable Minerals—Alternative 3, p.4-101	"Under this alternative, all PHMA and IHMA will be closed to new non-energy mineral leasing; there will be no GHMA."	Clarify whether this sentence means that GHMA would be released from management prescriptions under this alternative or whether GHMA would be converted to PHMA status. It appears to the be latter but needs clarification. Assuming it is the latter, P4 Production strongly opposes this Alternative that could effectively shut down phosphate mining and processing in southeast Idaho resulting in the elimination of a globally important natural resource supply and greatly increased U.S. and global dependence on foreign supplies, most notably from China. The socio-economic impact of Alternative 3 on southeast Idaho related to phosphate production is grossly understated in § 4.12.4, pp. 4-162-63. While trona receives some attention, there is no analysis specific to phosphate.
35	§ 4.10.2; Non-Energy Saleable and Leasable Minerals—Alternative 3, p.4-101	"If the lease is entirely within the active lek buffer, require any development to be placed in the area of the lease least harmful to GRSG based on vegetation, topography, or other habitat features."	Clarify how a lease could be developed at all if the entire HMA is closed to new mineral leasing.

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No.	DEIS Section/Page	DEIS Provision	Comment
36	§ 4.10.2; Non-Energy Saleable and Leasable Minerals—Alternative 5, p.4-103	"In Idaho, no existing phosphate leases would be within HMAs on BLM-administered lands."	Add the following to this sentence, "and therefore not managed under this RMPA or the 2015 ARMPA. Instead, these leases would be managed under the pre-existing 2012 RMPA for the Pocatello Field Office."
37	§ 4.11.7; Alternative 5, p.4-125	"BLM would evaluate parcels identified in Expressions of Interest within GRSG habitat management areas giving preference to lands that would not result in impairing habitat suitability and proper function."	This approach creates de facto ACECs despite Alternative 5's disclaimer that no ACECs would be managed.
38	Glossary, p.Glossary-3	"General Habitat Management Areas. Occupied (seasonal or year-round) habitat outside of priority habitat."	Here and elsewhere in the RMPA the phrase "occupied habitat" is used. The word "occupied" is not defined in the Glossary. It is unclear whether this means occupied areas in the sense of an occupied lek defined in the 2015 ARMPA or some other definition of occupied habitat. Initially, the GHMA definition should state that it is habitat outside of either PHMA or IHMA. Incorporate the definition of GHMA from the 2015 ARMPA glossary as a clearer definition.
39	Glossary, p.Glossary-5	"Lek."	Unlike the 2015 ARMPA, the definition of a lek contains no status definitions. Add, or cross-reference Appx. 4, status definitions.
40	Glossary, p.Glossary-5	"An important factor in lek location is proximity to and configuration and abundance of nesting habitats."	It is unclear whether a lek is defined by its proximity to and configuration and abundance of nesting habitat or vice versa. This sentence does not seem to constitute a definition of a lek. Also see *Cook, et al.* (2022), incorporating spatial limitations on a lek as not more than 200 meters wide.

RESTRICTED

No.	DEIS Section/Page	DEIS Provision	Comment
41	Glossary, p.Glossary-5	"Mitigation. Includes specific means, measures, or practices that could reduce, avoid, or eliminate adverse impacts."	Delete "reduce, avoid, or eliminate" and insert the mitigation hierarchy language from NEPA regulations to "avoid, minimize, or mitigate."
42	Glossary, p.Glossary-6	"Priority Habitat Management Areas. Areas prioritized for managing Greater Sage-Grouse populations (management is only applicable to actions on BLM-administered lands)."	Add to the parenthetical phrase "within designated PHMA."
43	Glossary, p.Glossary-6	"Required Design Features."	Add the second and third sentences from the definition of "Required Design Features" found in the 2015 ARMPA. These sentences properly recognize that RDFs cannot be clearly assessed until the project begins and, because of site-specific circumstances, some RDFs may not apply to some projects.
44	Glossary, p.Glossary-7	"Stipulation (Oil and Gas)."	The Glossary omits the definition for general stipulations as was found in the 2015 ARMPA. Insert a definition for general stipulations because stipulations can apply to projects outside the context of oil and gas.
45	Glossary, p.Glossary-9	"Withdrawal."	Incorporate the concepts found within the definition of "Withdrawal" in the 2015 ARMPA. The proposed definition does not capture other important aspects of the term such as withdrawal from entry for settlement, sales, location, or other purposes.

RESTRICTED

No.	DEIS Section/Page	DEIS Provision	Comment
46	Glossary, (no page #)		Consider including a definition of "technically and economically feasible" as that term is used in NEPA (Pub. L. 118-5 (June 3, 2023) amending NEPA § 102(2)) and from the perspective of a project proponent who is in the best and only position to determine the technical and economic feasibility of action alternatives.
47	Appendix 1, Maps	All maps.	All of the maps in Appendix 1 are at such a large scale where 100 miles is compressed into a 13/16 inch, (when printed on 8.5 x 11 paper), the maps are useless for determining where habitat management areas and other features are located on the ground. BLM should produce maps on a scale no greater than state-by-state or indicate at the outset of the Appendix where the public plan can obtain useable electronic maps. An essential requirement for any project proponent is determining whether a proposed project is or is not inside HMAs, ACECs, or other designated areas because lands outside of these areas are not subject to the RMPA (or 2015 ARMPA) and instead would be subject to the underlying RMP.
48	Appendix 2, Table 1: Changes in Management, p.2-ID-1		Here and throughout this Table, clarify whether the third column entitled "Potential for Change in 2023 Plan" references changes from the 2019 column or from the 2015 column. Without this clarification, the Table is potentially very misleading.
49	Appendix 2, Table 1: Changes in Management, p.2-ID-8	MD SSS 8	See comments above regarding key habitat.

RESTRICTED

No.	DEIS Section/Page	DEIS Provision	Comment
50	Appendix 2, Table 1: Changes in Management, p.2-ID-8	MD SSS 9	Is the "No change proposed" no change to the 2019 deletion of this decision or no change to the 2015 imposition of this decision? If deletion of MD SSS 9 is intended, this is a significant improvement from the confusion caused by MD SSS 9 contained in the 2015 ARMPA. This deletion is too subtly presented in the table and should be thoroughly explained in text. If the 2015 ARMPA provision is being retained, don't. It was read to mean that RDFs and buffers applied to key habitat, even in KPLAs where no HMA exists. If RDFs are retained, re-write RDF 2 to clarify that: noise projected to be caused by a project will be measured at the lek. If predicted to exceed the 10dbA over ambient noise, no disturbance will be permitted within 2 miles of the lek during lekking season unless that particular disturbance will not cause noise greater than 10 dbA over ambient noise at the lek.
51	Appendix 2, Table 1: Changes in Management, p.2-ID-9	MD SSS 13	Here and in MD SSS 8, BLM proposes to annually update key habitat maps and use them to maintain habitat information. BLM must emphasize that these maps are not to be used for management decisions or incorporation of lek buffers or Required Design Features in the projects. Query whether BLM has the staffing and resources to annually update the habitat maps. Delete "key." This adjective implies "priority" or "important" habitat.
52	Appendix 2, Table 1: Changes in Management, p.2-ID-16	MD SSS 32	P4 supports the consideration of RDFs as BMPs in GHMA.

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No.	DEIS Section/Page	DEIS Provision	Comment
53	Appendix 2, Table 1: Changes in Management, p.2-ID-42	MD LR 12	BLM should carve out the Caldwell Canyon Mine from compliance with the conservation measures outlined in the draft RMPA, similar to the exemption of the Gateway West and Boardman to Hemingway transmission projects from the 2015 ARMPA, because conservation measures for sage-grouse are being analyzed through to the project's current NEPA review. The carve-out should allow the project proponent, in consultation with BLM, to select which RMP provisions from 2012, 2015, 2019, and 2024 will provide a reasonable suite of sage-grouse habitat conservation prescriptions to maintain or enhance the species' habitat while maintaining the technical and economic viability of the project.
54	Appendix 3, § 3.2, Idaho, p.3-3	"BLM used the State of Idaho's final draft for HMA designations for Alternative 5 and 6."	Why did not BLM use the State's final draft for HMA designations for Alternatives 3 and 4? In addition, this Appendix would be the appropriate place to incorporate the comment noted above advising the public where it can find detailed, fine scale mapping of sage-grouse habitat for use at the project level scope. In addition, there should be a provision here and for other states requiring BLM to ground-truth mapping at the project level and incorporate habitat mapping amendments as dictated by on-the-ground habitat conditions.

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No.	DEIS Section/Page	DEIS Provision	Comment
55	Appendix 4, Lek Status Definition Comparison, p.4-3	"Lek, WAFWA definition: A lek is a traditional location where at least two male greater sage-grouse congregate during at least two springs within a ten-year period to perform their strutting display."	Clarify whether a lek must be monitored for ten consecutive years in order to determine whether it exists or not. If there are two initial spring sightings, will a lek exist for the next eight years even if no male sage-grouse appear in those eight years at the location? Must a BLM office have ten consecutive years of observations in which no grouse are seen in order to declassify the lek as nonexistent? Will the state fish and wildlife agencies have resources and personnel sufficient to monitor a lek location for ten consecutive years of no activity or can a lek be declassified as nonexistent in the absence of data and observation? Add a provision for the spatial scope of a lek as described by *Cook, et al.* (2022) to not exceed 200 meters. If a lek is 200 meters wide, from what point is a lek buffer drawn? The definition should also make clear that a lek only exists during the specific lekking hours and days in the lekking season in the geographic location and that at other times of the day and months lek buffer restrictions would not apply.
56	Appendix 4, Lek Status Definition Comparison, p.4-4	"Active, WAFWA definition: A lek that has more than two or more males counted in two or more lek counts within the last ten years."	The same questions apply to an active lek as apply to the definition of a lek, above. Additionally, define what is meant by a "count." Is it possible to have more than one count in one spring breeding season so that three counts of more than two males at a lek in a single season makes it active? Is a "count" equal to a spring breeding season?
57	Appendix 4, Lek Status Definition Comparison, p.4-5	"Inactive, WAFWA definition: A lek at which all observations within the last ten years have been less than two males and that has had at least two males recorded during a lek count between 11 to 20 years ago."	What happens if the agency observes only three of the ten years? Does this definition require the agency to have 20 continuous years of data in order to determine a lek is inactive?

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58	Appendix 4, Lek Status Definition Comparison, p.4-6	"Pending lek, WAFWA definition: This status captures leks insufficiently monitored."	This definition suggests that lek status does not require an unbroken sequence of annual observations, but that is not entirely clear and should be made clear in the preface to this Appendix related to all WAFWA definitions.
59	Appendix 4, Lek Status Definition Comparison, p.4-7	"Lek complex, WAFWA definition: Considered an outmoded definition."	Clarify whether this is considered a definition under the RMPA or not. It appears that it is not since it is "outmoded," but clarify.
60	Appendix 10, Chapter 4, Methodology, Assumptions, Indicators, and Summary of Environmental Consequences, § 10.1.3 Analytical Assumptions, p.10-2		The analytical assumptions should include a statement that BLM respects valid existing rights and that it will verify on-the-ground sage-grouse habitat in response to project applications. Reiterate that BLM does not intend to manage non-federal surface acres above federal minerals that are not developed immediately below those surface acres. The assumptions at § 10.2.1 should also include application of management decisions only to mapped HMAs on BLM surface lands.
61	Appendix 10, § 10.10.2, Non-Energy Leasable Minerals, p.10-11	"The restrictions are on surface use or timing placed on prospecting and exploration."	Add "and development."
62	Appendix 10, § 10.10.2, Non-Energy Leasable Minerals, p.10-11	"Application of RDFs to non-user energy lease development for the protection of GRSG."	Include lek buffers.

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63	Appendix 19, § 19.1.1, Lek Definitions, p.19-1		This section accurately describes the Idaho Department of Fish & Game approach to occupied and unoccupied leks. The approach was biased in favor of finding a lek to be occupied because once a lek is assigned the status of "occupied," that status remains in place for at least four more years. That status could be changed only after five consecutive years of data showing the lek to be unoccupied. Consequently, if in any of the four years after the lek was determined to be occupied, the Idaho Department of Fish & Game skipped a year by not observing that lek, the "clock" is reset requiring a new continuous five-year period before the occupied status could be changed to unoccupied. This bias could be reversed by determining that an unoccupied lek would retain that status until it is shown that the lek was occupied for the next four years and if data during a breeding season is missing then the unoccupied status would continue until such time that a full five-year continuous determination of occupancy could be documented. Having said that, any new lek definitions adopted by BLM should eliminate bias either in favor of active or inactive lek status.

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64	Appendix 19, § 19.2.1, Lek Definitions, pp. 19-1-2		BLM should support its assumption that the Idaho Department of Fish & Game has the resources and staff necessary to document lek status for a period of up to ten years when IDFG has shown that it lacks sufficient resources to monitor leks for even five years, especially when no lekking activity is occurring and where active leks in priority or important habitat deserve more dedicated study. If BLM is eliminating the requirement for ten consecutive years of data to change the status from one category to another, BLM should make this clear so that a court does not require continuous annual surveys where the BLM does not.
65	Appendix 19, § 19.2.1, Lek Definitions, p.19-2	"BLM will rely on the lek status determinations of the Idaho Department of Fish & Game based on their most recent lek data."	Clarify by expanding on this statement to explain that BLM will not make any lek status determinations under the WAFWA definitions it is adopting and that those determinations will be made solely by the Idaho Department of Fish & Game based on the Department's data, criteria, and expertise, not subject to reversal or modification by BLM and its subject matter experts.

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No.	DEIS Section/Page	DEIS Provision	Comment
66	Appendix 19, § 19.2.1, Lek Definitions, p.19-2	"Under Alternatives 3, 4, and 6, any *active* and *pending active* leks would be evaluated whereas under Alternative 5, lek buffers would only apply to *active* and *pending active* leks within HMA."	P4 Production, L.L.C. strongly supports this Alternative 5 approach. Explain the basis for the different approaches and justify the Alternative 5 approach of not applying lek buffers around active or pending active leks located outside an HMA. Regardless of the approach taken by Alternatives 3, 4, and 6 and that of Alternative 5, clarify that lek buffers only apply to BLM actions within HMA regardless of the lek location such that multiple BLM parcels located within a lek buffer would be differentiated so that the RMPA only applies to those parcels on which (1) designated HMA exists and (2) an action is being taken on that parcel.
67	Appendix 19, § 19.2.2, Lek Buffer Distances, p.19-2	"The following modifications were made to the lek buffer distances under Alternatives 5 and 6: . . . a decrease for other types of surface disturbance in GHMA from 2.0 to 0.6 miles."	Change "other types" to "all types." Without this change, it appears arbitrary and capricious that BLM would decrease buffers around minor linear features in the highest priority PHMA from 2.1 to 1.2 miles but not do so in the lowest priority GHMA.
68	Appendix 19, § 19.2.2, Lek Buffer Distances, Table IV-1, p.19-3	(Footnote 4) "Roads are linear routes declared as a road by the owner, managed for use by low-clearance vehicles having four or more wheels, and maintained for regular and continuous use. Roads do not include trails, primitive roads, temporary routes, or administrative routes with maintenance intensity of 0 or 1 (2015 ARMPA ROD)."	This footnote appears here and elsewhere in this Appendix. Clarify that roads do not include mining haul roads or mining service roads that are managed for high-clearance and oversized vehicles, e.g. haul trucks, for the life of the mine.

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69	Appendix 19, § 19.4.1, Applying Lek Buffer-Distances When Approving Actions, p.19-5	"Evaluate impacts on active and pending active leks (Cook, et al. 2022; Appendix 4) within HMA from actions requiring NEPA analysis."	This sentence is unnecessarily vague because it is subject to different interpretations. It is unclear whether the phrase "within HMA" modifies "impacts" or "leks." Based on language in § 19.2.1, it appears that the proper interpretation is for "within HMA" to modify "leks" such that NEPA analysis will only apply to those leks located within an HMA. However, as noted, this sentence could be read to mean that the NEPA analysis will evaluate impacts within an HMA regardless of the location of the lek as being in an HMA or outside an HMA or on or off BLM lands.
70	Appendix 19, § 19.4.1, Applying Lek Buffer-Distances When Approving Actions, p.19-6	"Justifiable Departures—justifiable departures to decrease or increase from these distances, based on local data, best available science, landscape features, and other listing protections . . . may be appropriate for determining activity impacts."	Delete "activity impacts" and insert "whether a proposed action should be constrained by lek buffers." That is the purpose of the justifiable departure to decrease or increase the lek buffer. It is not to determine impacts under NEPA. It is to determine which activities can or cannot be authorized within an otherwise applicable lek buffer under FLPMA.

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71	Appendix 19, § 19.4.1, Buffer Exception Criteria for IHMA and GHMA, p.19-7		Amend the sentence under this heading to read as follows: "If the project proponent demonstrates to BLM that it is technically or economically impracticable to locate the project outside of the buffer area and impacts are minimized through project siting and design with residual impacts offset by compensatory mitigation to the extent necessary to achieve no net loss of habitat, BLM may approve actions within buffers in IHMA and GHMA." Clarify that this is an alternative to justifiable departures such that BLM may approve actions within standard buffers either through a justifiable departure or through this buffer exception criteria for IHMA and GHMA. Additionally, under any alternative 1-6, once a project is approved with a Record of Decision or Decision Record, the discovery of a new lek or reclassification of a lek that would otherwise impose new buffers or Required Desing Features on the project should not result in imposition of those buffers or Required Design Features. In other words, lek buffers and lek-related Required Design Features should not be applied retroactively to approved projects including subsequent BLM authorizations such as rights-of-way for the project.

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Jesse Hill, Chair
Tom Hoss, Vice Chair
Ken Tipton, Commissioner
Ron Cerri, Commissioner
Tom Hoss, Commissioner
Mark Evatz, Commissioner

Humboldt County, Nevada

Humboldt County Board of Commissioners
Courthouse Room 205
50 W 5th Street
Winnemucca, NV 98445

May 14, 2023

Patricia Deibert, National Sage-grouse Coordinator
Bureau of Land Management
440 W 200 S Suite 500,
Salt Lake City, Utah 84101

Submitted Electronically to: https://eplanning.blm.gov/eplanning-ui/project/2016719/570

RE: Designation of Areas of Critical Environmental Concern; Bureau of Land Management Notice of Intent to Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statements

Dear Coordinator Deibert,

Humboldt County, Nevada (the County), appreciates the opportunity to provide comment on the Bureau of Land Management's (BLM's) proposed designation of Areas of Critical Environmental Concern (ACECs) in its amendment to its greater sage-grouse land use plans and associated draft environmental impact statement (DEIS).[1] The County, a rural county in northern Nevada, has participated as a cooperating agency in BLM's current amendment process, including ACEC designation, and has been deeply involved in BLM's now more than decade-long sage-grouse conservation land use planning as well as in state and local sage-grouse conservation efforts.

The County submits this letter to set forth its understanding regarding the May 14 deadline to submit comments on designation of ACECs in the sage-grouse land use plan amendments (LUPAs) and DEIS. In its April 9, 2024, virtual public meeting to discuss the LUPAs and DEIS, BLM explained the discrepancy between the May deadline for comments on ACECs and the June deadline for comments on the LUPAs and DEIS by pointing to BLM's planning regulations, which specify a 60-day comment period for ACECs.[2] Notwithstanding the May 14 deadline, BLM stated:

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[1] The notice of intent is BLM Docket No. 223.LLHQ230000.L11700000.PI0000.LXSGCO000000.

[2] *See* BLM, Transcript of Virtual Public Meeting for the Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement, at 01:12:34–01:12:45 (Apr. 9, 2024) https://eplanning.blm.gov/public_projects/2016719/200502020/20109295/251009289/2024_GRSG-DEIS%20Virtual%20Public%20Mtg1-04-09-2024_Transcript_508.pdf; 43 C.F.R. § 1610.7-2(b) (BLM "shall provide a 60-day period for public comment on the proposed ACEC designation").

> NEPA regulations require [that] we consider all substantive comments . . . provided during the comment period. And so, while there is a 60-day comment period for ACECs as identified in BLM[']s regulations [if] substantive . . . comments related to ACECs [are] provided after that, but within the planning[—]within the overarching comment period, we will need to consider those as well.[3]

BLM has advised upon further request that despite the deadline published in the Federal Register, it will accept comments on ACECs as part of comments on the LUPAs and DEIS. The County relies on these statements, and will submit substantive comments on ACEC designation as part of its comments on the LUPAs and DEIS. The County appreciates BLM's clarification on this point.

Sincere Regards,

Jesse Hill, Chairman

Humboldt County Board of Commissioners

[3] Transcript of Virtual Public Meeting at 01:12:45–01:13:09.

Patrick Sadler
1438 Winton Rd South
Rochester, NY 14618-2850

June 14, 2024

Sage Grouse Planning Team
BLM Utah State Office, ATTN: HQ GRSG RMPA, 440 West 200 South #500, Salt Lake City, UT 84101

Dear BLM:

As a supporter of Backcountry Hunters & Anglers, the voice for our wild public lands, waters, and wildlife, I commend the Bureau of Land Management's (BLM) efforts to improve greater sage-grouse conservation through the Draft Resource Management Plan Amendment. With approximately 67 million acres of sage-grouse habitat managed by the BLM, the final plans adopted by the BLM must both be durable and able to be readily implemented with the necessary staff and resources in order to effectively support sage-grouse conservation on what represents nearly 50% of the bird's total habitat.

With a sage-grouse population decline of 40% since 2002, and 80% since 1965, it is critical that the conservation of these iconic Western birds is strengthened. The steep decline in sage-grouse populations is correlated with the average rate of loss of more than 1.3 million acres of sagebrush lands each year in the United States. In order to address this, it is necessary to integrate new scientific knowledge and respond proactively to the rapidly evolving conditions across Western sagebrush lands. Once implemented, this planning process will strengthen the health of sage-grouse habitat, in addition to providing benefits for other wildlife such as pronghorn and mule deer whose winter range overlaps significantly with sage-grouse core areas.

I urge the BLM to prioritize the following in their final plan amendment:

* Incorporating the latest science on greater sage-grouse populations, which is necessary to inform the selection of habitat areas and apply meaningful adaptive management.

* Ensuring development is balanced with the need for healthy habitat by directing development impacts outside of Priority Habitat Management Areas.

* Keeping the highest quality sagebrush habitat intact, as science shows that the value these areas provide cannot be replaced.

* Requiring that impacts to sagebrush habitat are offset elsewhere through new conservation projects.

I want to thank you for your commitment to collaborative work with stakeholders across the West that is so critical to ensuring long term conservation for sage-grouse and their habitat on our public lands.

Sincerely,

Patrick Sadler

P. Sadler 6/14/2024

WOODWISE FORESTRY LLC

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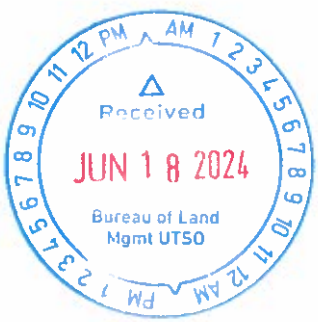

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Bureau of Land
Mgmt UT50

Sage grouse P
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84101-143425

NEVADA STATE GRAZING BOARDS
CENTRAL COMMITTEE

June 12, 2024

Patricia Deibert, National Sage-grouse Coordinator (Acting)
Bureau of Land Management
440 W 200 S, Suite 500
Salt Lake City, UT 84101

Submitted via Email: BLM_HQ_GRSG_Planning

RE: Central Committee for State Grazing Boards
Comments to the Bureau of Land Management's (BLM) Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage Grouse Rangewide Planning.

Dear Sage Grouse Plan Revision Team:

The Central Committee of Nevada State Grazing Boards ("Central Committee") wishes to comment on the BLM's Draft Resource Management Plan Amendment and EIS for Greater Sage-grouse rangewide planning. The Central Committee encourages the BLM to consider these comments as Nevada's permittees have **years of experience** in living and operating with the Greater Sage-grouse conservation plan on thousands of acres of public lands.

The Central Committee was established by the Nevada Legislature and codified in the Nevada Code at NRS 568.170. Under state law, the Central Committee provides a means whereby Nevada State Grazing Boards may act together in matters of common interest as they carry out the provisions of the Nevada Code, NRS 568.010 to 568.210. The Central Committee is part of the executive branch of the Nevada State Government. The Central Committee wishes to express its concerns regarding the revisions of the Draft RMPA and DEIS as they will affect ranchers and their grazing allotments.

Concerns with the BLM's Rangewide Approach: It is concerning to the Central Committee that the BLM has determined a rangewide approach to be the appropriate method of analysis for all of the Sage-grouse states in the West. Each of the 11 states included in this document has individual circumstances, public land management hurdles, and both social and economic complexities that could not possibly be encapsulated in one document. The alternatives and their impacts are not thoroughly explained because such a high-level view does not provide enough detail to adequately do so. This also illustrates a clear conflict with FLPMA (43 U.S.C. § 1712(c)(9)) in that very little, if any, state input was seriously considered by the BLM. **Our organization 0000000asks that the BLM consider providing a supplemental, Nevada-specific Draft Environmental Impact Statement that clearly outlines Alternatives which are in alignment with the applicable State and local plans.**

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BLM Capacity Inadequacies: The Central Committee is also concerned that the increased amount of monitoring and changes in protocol are going to further decrease the capacity of field offices across Nevada. A consistent issue with the BLM across the state is a lack of personnel. Multiple management activities that are currently being undertaken by the BLM are not being completed since employees are at their maximum capacity already. It is unclear to us how the BLM plans to mitigate this lack of capacity if the preferred alternative is enacted. It is too easy for livestock grazing to become the scapegoat for management decisions when there is limited capacity, and history has shown that the BLM is willing to modify or attempt to reduce or remove grazing when they cannot alter any other management activities.

Mapping Concerns: Currently, the BLM and State of Nevada are not operating under the same GRSG habitat mapping in Nevada**.** This creates confusion and uncertainty not only for public land ranchers but also to other businesses or industries either presently operating or having interest to operate in the State. The various mapping "alternatives" in the DEIS do not appear to be drafted or published through the correct NEPA process, especially considering that management authority over Sage-grouse is held by the State of Nevada. It appears that the only map that has been approved by the State, aside from the included Sagebrush Focal Areas, is included in Alternative 1. It further appears that Alternative Maps 2 through 5 are drafted using incomplete modeling from USGS. This lack of transparency can only lead to misunderstandings by the public and fallacies by the BLM when determining how these new maps will truly impact the management of Sage-grouse habitat. Although there is some clarification in the draft with the following statement, the approach is not appropriate considering that it curtails the State of Nevada's approval process and is entirely similar to the 2015 mapping approach. The statement reads: "The unpublished results that BLM used for this Draft EIS includes more than six years of additional field data collected since the last published version (Coates et al., 2016) and advances in methodology to produce the HMA model (Milligan et al. 2024 (in review)). It represents an estimate of how HMA model results may change as the model continues to be refined. It is anticipated that the final published model, associated maps, and documentation will be available during the spring of 2024; the BLM intends to incorporate the final published version into the Final EIS." (Appendix 3, Page 3-12).

Our organization strongly asks that the BLM release a second Draft EIS for public comments, prior to the release of the Final EIS and once the USGS map products are both finalized and approved by the State of Nevada. The final products **must** be included pre-decision for comments to be fully informed and substantive; post-decision mapping can and arguably will lead to mismanagement of vast areas rangewide. Furthermore, there is no explanation from the BLM regarding how the public is supposed to aid the agency in revising said maps once they have been included in the FEIS. This pre-decisional process from the BLM sets a horrible precedent that should not be considered appropriate for this or any future efforts.

The BLM must also clarify that the State of Nevada maps are largely based on a model and any final allocation decisions would be subject to change based on field verification of mapped habitat categories. We recognizes that there is a statement included in Appendix 3 attempting to convey this fact: "Not all areas within HMAs will include characteristics associated with GRSG habitat. For

example, areas of connectivity between seasonal habitats or areas recovering from fire might not support vegetation used by GRSG but these areas will be included in HMAs. Mapping errors are also anticipated to occur with HMA maps and the BLM provides mechanisms to correct those errors when encountered within this current planning process (2024 DEIS)." (Appendix 3, Page 3-12). However, this is **not** an adequate explanation for how the BLM plans to identify or address these "mapping errors" with the obscure "mechanisms." Considering that HMAs have the potential to significantly impact livestock operators, this scattered approach provides no assurances that permittees can trust the BLM to manage these areas appropriately.

Coordination with Applicable State Regulations and Plans: Throughout the DEIS, the BLM seems to imply that the State of Nevada's only regulatory mechanism is the Conservation Credit System (CCS), and further implies that this is a "voluntary" system. However, the BLM should note that Nevada Revised Statute (NRS 232.162) established the Sagebrush Ecosystem Council, while Nevada Administrative Code (NAC 232) requires mitigation for anthropogenic disturbances that cause direct or indirect impacts to Sage-grouse or on Sage-grouse habitat on public lands. Furthermore, the 2019 Nevada Greater Sage-grouse Conservation Plan specifically states in Policy 3.1.2 that the State of Nevada's policy for all management actions is to "avoid, minimize and mitigate" any impacts to Sage-grouse habitat.

Per its own policies (namely 43 CFR Part 24), the BLM **is required** to coordinate with the State on all matters of wildlife management. Since 2015, coordination has been a major focus for the BLM and project proponents through the CCS. Any work to avoid or shrink impacts to Sage-grouse habitat are not captured in the CCS, since it only covers mitigation measures. Coordination with the State of Nevada is essential for the BLM to minimize impacts to Sage-grouse before any authorizations or decisions are made. It is also essential for the BLM to recognize that the State of Nevada considers grazing structures and agricultural use to be de minimus impacts, something that is not reflected in the DEIS. Per FLPMA's requirements (43 U.S.C. § 1712(c)(9)) for state and local plans and policies, the BLM must work with State and local agencies on the preferred alternative. This way, it is consistent with the appropriate State and local plans to the extent that is both required and allowable under federal law and executive order.

Concerns with 2.5.10 Livestock Grazing and Appendix 15, Livestock Grazing Management :
Throughout both this Section and Appendix, we would suggest a greater emphasis be placed on establishing Allotment Management Plans (AMPs) as the most appropriate way to effectively manage livestock grazing at a site-specific scale to benefit Sage-grouse. AMPs provide the most efficient method for field managers to coordinate management goals and objectives with permittees so meaningful changes that create a positive impact for all involved parties can be achieved. Without an AMP, there is a lack of clarity and direction surrounding management decisions and projects for agency personnel and livestock operators.

AMPs bring about Improved Grazing Practices
A key for achieving progress under any rangewide great sage grouse plan will largely depend on how the provided species conservation direction and guidance translate into on-the-ground

actions that result in habitat improvement. One does not need to look hard to recognize that the approach implemented in 2015 has not been broadly successful in achieving this end.

Fortunately, a regulatory process exists that allows for the development of AMPs at 43 CFR 4120.2. Any modification of current grazing permits that are identified as being required for improved GRSG habitat conditions must necessarily be addressed at the allotment or ranch level and directly involve the rancher to be effective. Under this concept, the Draft RMPA or Daft EIS must provide incentives to encourage public land ranchers to play an active role in developing grazing practices that will have positive impacts on the bird and its habitat. It is also imperative that communication exists between agencies, state, and landowners coordinating on-the ground practices.

Our organization is strongly opposed to any voluntary grazing relinquishments resulting in the BLM considering "whether to offer the permit for re-authorization to other grazing applicants or if the public lands where that permitted use was authorized shall be used for other resource management objectives." The reallocation of a permit for any other "resource management objectives" is not acceptable. If a permit is relinquished, it should be offered to other permittees prior to any changes in authorized use.

Furthermore, it is not acceptable for the BLM to consider the "conversion of the allotment to a reserve common allotment that will remain available for use on a temporary, nonrenewable basis for the benefit of GRSG habitat." Without proper utilization, these allotments will result in increased fire risk due to the amount of decadent forage that would accumulate. Additionally, invasive annual species would have a greater chance to establish with no opportunity for grazing management to combat their spread.

In areas where supplements are being placed away from water sources, meadows, and riparian areas, there should be alternative water sources developed or identified to mitigate any negative impacts on livestock. Any areas that receive vegetation treatments where the BLM determines a rest from livestock grazing to be appropriate, should only be rested for two to three growing seasons to avoid negative implications such as the spread of invasive species and wildfire risk, both of which are identified by the State of Nevada as risks to Sage-grouse. Habitat mapping should be used to monitor these vegetation treatments in addition to the Sage-grouse habitat use-pattern mapping, which should be updated **annually** rather than "when available" (Appendix 15, Page 15-2). This entire draft document is based on mapping that is woefully incomplete or lacking due to its draft status, and this gray area surrounding the habitat use-pattern mapping only further demonstrates this point. It is additionally alarming due to the amount of proposed management that is reliant on the accuracy of habitat locations.

It is also a major flaw that livestock operators are not listed as key partners in management decisions, including, but not limited to, supplement placement and locations, water resources and their potential relocations, as well as habitat restoration activities. Livestock operators provide an important perspective on these landscapes that the BLM should capitalize on through

coordination and collaboration with permittees. The Central Committee is concerned with the minimal level of input that it appears the BLM is allowing livestock operators, when they are arguably the **greatest indigenous knowledge of the resource**, including Sage grouse presence and are the partners that likely are most impacted by the proposed alternative. Permittees should be involved in the determination of sites identified for management activities relating to restoration projects, including the removal or replacement of fencing and the use or closure of roads as both are discussed on Page 15-3 of Appendix 15.

Furthermore, it is concerning to us that the BLM effectively bypassed any true management changes concerning Wild Horses and Burros (WH&B) in this draft. There is discussion regarding temporary projects to eliminate livestock grazing in areas the BLM deems appropriate, yet it is undeniable that there are areas crucial to Sage-grouse (namely riparian areas which the BLM itself has recognized as being essential for Sage-grouse in this very draft) that have been decimated by overpopulation of WH&B. There is no discussion of placing fences within HMAs specifically to mitigate WH&B use, something that this Board feels could be an extremely useful resource. The BLM does not adequately address the WH&B catastrophe, and it is unacceptable that there is an entire appendix dedicated to livestock grazing and not one specifically dedicated to WH&B.

The Central Committee appreciates the opportunity to comment but wants to reiterate to the BLM that it is extremely concerned with the process and product as it relates to the Draft RMPA. The Preferred Alternative must abandon prescriptive language that boxes out successful local management, therefore to be more consistent with State and local agency plans and provide the most comprehensive plan for public lands grazing management with all stakeholders.

Sincerely,
O. Steve Boies

Chairman
osb/reb

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Lahontan Audubon Society
PO Box 2304
Reno, NV 89505

May 14, 2024

BLM State Office
ATTN: HQ GRSG RMPA
440 W. 200 S. #500
Salt Lake City, UT 84101

Via mail and email: BLM_HQ_GRSG_Planning

Re: comments on Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement (Draft RMPA/EIS)

On behalf of the Lahontan Audubon Society (LAS), I am pleased to submit comments regarding the consideration by the Bureau of Land Management (BLM) of potential Areas of Environmental Concern (ACEC) in the Draft RMPA/EIS. The Lahontan Audubon Society is a non-profit organization serving all of northwestern Nevada and represents a membership of conservation-minded individuals and families. Our mission is to preserve and improve the remaining habitat of birds and other wildlife, restore historic habitat, and educate the public, with emphasis on children, providing vision to all about our unique Nevada environments. We have been participating in Greater Sage-Grouse (GRSG) conservation efforts since 2000, including the development of Nevada's first GRSG Conservation Plan, planting sagebrush as part of GRSG habitat restoration projects, and commenting on subsequent GRSG management plans, including in 2015 and 2017. We remain very concerned about the continuing declines in GRSG population as well as continuing declines in GRSG habitat. It is evident that additional protection, conservation and management is needed by the BLM to stop and/or reverse these declines on public lands.

In regard to potential ACECs being considered by the BLM, we found much information on some specific proposed ACECs (12 Nevada, and 4 in adjacent states), regulatory requirements, the process by which BLM evaluated ACEC nominations for meeting relevance and importance criteria, and BLM recommendations for their inclusion in the draft EIS.

Unfortunately, we did not find clear directions in the Federal Register Notice for this EIS on what information BLM is requesting regarding potential ACECs described in the document. We do appreciate a contact and response from a BLM official about the

agency request re: ACEC comments and that the ACEC comment deadline is June 13, 2024. However, we believe that BLM should clarify publicly what kinds of information about potential ACECs which it is asking the public to submit.

In the meantime, we do have some comments on BLM's consideration of ACECs in Nevada and E. California, Maps of the potential ACECs should be provided with ACECs labelled. Information on why these ACECs were selected for consideration and other nominated ACECs were not selected would be very useful. The detailed process BLM used in assessing the nominated areas did determine that ACEC requirements for relevance and importance and also needs for special management were met.

The EIS is very complicated about the relationships among GRSG areas on public lands including PHMAs, GHMAs, IHMAs, SFAs (sagebrush focal areas) and GRSG ACECs. We do not yet understand whether ACEC designations would provide for needed greater BLM protections, conservation, restoration, and management of GRSG populations and habitat than the PHMA requirements or the SFA requirements, but we would support any or all designations which are more beneficial to GRSG. We would also be very interested in helping to develop and implement future management plans for GRSG ACECs designated by BLM in Nevada, especially habitat restoration.

Thank you for considering our comments on potential GRSG ACECs in the Draft RMPA/EIS.

Sincerely,

/s/ Rose Strickland

Rose Strickland, Chair
Conservation Committee
Lahontan Audubon Society

Dear BLM employee,

I am concerned about the 2024 Greater Sage Grouse Draft Resource Management Plan Amendment. I am a birdwatcher and have never seen a sage grouse. It needs habitat to survive, so I support Alternative 3, as it has the best outcome for the greater sage grouse. Please support Alternative 3 because it will help the Greater Sage ~~Gro~~ recover the most.

Thanks! Rebecca Lino

B. Creslin
509 Vista Grande Dr.
Grand Junction, CO.
81507

GRAND JUNCTION CO 815
28 MAY 2024 PM 1 T

BLM Utah State office
Attn HQGRSG-RMPA
440 West 200 #500
Salt Lake City, UT 84101

Jennifer Robin. (2024, jun 9). Public comment for DOI-BLM-WO-2300-2022-0001-RMP-EIS
https://drive.google.com/file/d/1df0b8CGSwhF3LYan_TjuUC_yaU1AYm20/view?usp=drive_link

https://eplanning.blm.gov/eplanning-ui/project/2016719/570

In order to protect our public environments, the sensitive wildlife like sage grouse, and the other federally protected species that are residing there, we must first halt ALL use of public lands by the private, and extremely destructive 'for profit' livestock industry, and destructive 'for profit' mining and energy industries (stopping all new leases and ending the old leases immediately), particularly those the export these products to other countries and don't benefit the citizens of this nation at all. This is not in the best interest of the landowners, WE THE PEOPLE! Over 2 million livestock abuse our public lands, and pay next to nothing to do so. "Private grazing land in the Western US was around $22.60 per animal unit per month (AUM) in 2019, but in that same year, the BLM charged ranchers just $1.35 per AUM. . https://www.vox.com/future-perfect/2023/10/20/23924061/public-grazing-land-cattle-meat-carbon-opportunity-cost.

And that's only the base price of it. Alot of other expenses from their cheap use of public lands get added on to taxpayers too.

True market capitalism does not exist here, though it needs to. Any companies that relies on ANY taxpayers subsidies in the repair of these lands 'should not be allowed' operation. If these industries want to operate, they should be responsible for the full amount of any, and all, financial results associated with process, and the damage that occurs to our environments and our wildlife, including sensitive species as the sage grouse. These corporations should be held liable to pay for the environmental assessments before, during and after, and to pay for repair of ecosystems when they are done, and made to pay a fee 'comparable' to private industries for the use of these public lands.

"A democratic government is supposed to be of, by, and for the people. But government institutions have betrayed our trust... Regulatory agencies have been captured by those they are supposed to regulate: ... Polluters and extractive industries dominate the EPA and BLM.... Big Ag controls the USDA."

"In a true free market economy, it would be required to properly value the natural resources. It's the undervaluation of those resources that cause us to use them so wastefully." "In a true free market, you can't make yourself rich without making your neighbors rich and enriching your community. But what polluters do is they make themselves rich by making everybody else poor. They raise standards of living for themselves by lowering quality of life for everybody else, and they do that by escaping the discipline of the free market. You show me a polluter [or livestock leaser] and I'll show you a subsidy. I'll show you a fat cat using political clout to escape the discipline of the free market and force the public to pay their production costs."
https://drive.google.com/file/d/1eRbhc-fuoPEe0jsCjwT6G5AZs7WNO365/view?usp=sharing

Industries who use our 'public lands' should have to pay for the removal of the wildlife, pay for the wildlife animals in private off range holding, and pay their food and care. They should be held

accountable and be fined/jailed for each federally protected animal the ends up in the slaughter pipeline which is not only immoral, but in many cases illegal, and happens with our governments departments full knowledge and often support.

For too long you have allowed PRIVATE, for profit, industry and corporations to destroy these lands and entire ecosystems while leaving taxpayers to clean up the mess and pay for it all to the tune of hundreds of millions, or MORE, over the years.

These practices need to stop, and when they do, the land will heal itself in about 20-40 years as shown in studies with the help of REMOVING all of the fences that keeps the free roaming grazers (wild horses) from roaming, and forced to be confined in smaller habitats and areas where damage is guaranteed to occur. This continued process does have a major effect on the Grouse, and millions of dollars of effort will not change this until you change the livestock industries that are 'directly' responsible for the decline of the sage grouse. https://www.westernwatersheds.org/public-lands-ranching/

If these wild and federally protected animals (wild horses and burros) and their natural predators, would be allowed to roam all public lands as our creator intended, WITHOUT the competition from private livestock, the damage will cease to continue. Nature was created perfectly balanced with wild species doing as intended. It is only when man tries to use it, control it, change it, and destroy it that the problems begin. When man steps away, the problems he created will begin to heal and return to balance.

In 2011 it was shown that Government (BLM, FS, DOI, etc) was intentionally ignoring the elephant in the room (or cattle in this case). YOU need to stop IGNORING the livestock as the 'MAJOR contributor' to the problems that exist on the lands for more than a century of misuse! https://www.peer.org/wp-content/uploads/attachments/11_30_11_Scientific_Misconduct_Complaint.pdf

Peer studied the impacts of grazing and energy in 2022 and the results again showed negative impacts to sagebrush grouse by industry misuse. Clearly nothing has changed in decades. https://peer.org/wp-content/uploads/2022/06/Sage-Grouse-Fact-Sheet-June-2022.pdf

Continually ignoring the industry that actually is the MAIN contributor and creator of the existing problems to the sage grouse, and continuing to solely lay the blame on the WHB, by scapegoating them is known widely as practice done by this corrupt government being controlled by corporate interests. You must stop the assault on our land, and on out wildlife! You are directly responsible for the imbalance!

MT. WHEELER POWER

1600 Great Basin Blvd.
Ely, Nevada 89301

775-289-8981
800-97-POWER
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Public Comment Processing
NEPA: DOI-BLM-WO-2300-2022-0001-RMP-E1S
BLM Utah State Office
440 West 200 South #500
Salt Lake City, UT 84101

Re: Mt. Wheeler Power Co. comments on the Bureau of Land Management (BLM) *Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement* (March 2024).

To Whom It May Concern:

Mt. Wheeler Power Co. appreciates the opportunity to submit comments in response to the Bureau of Land Management's (BLM) *Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement* (DEIS) released to the public for comment on March 15, 2024. Mt. Wheeler Power is a not-for-profit member owned cooperative that was founded in 1970 to serve the collective interests of its members across an 18,000 square mile territory within the States of Nevada and Utah; serving members in all or portions of seven counties, Nevada: White Pine, Eureka, Nye, and Elko, Utah: Tooele, Juab, Millard. Mt. Wheeler Power serves -5000 members over 2250 miles of distribution power lines; and 9000 meters.

Mt. Wheeler Power presents the following comments on the DEIS and has focused on those proposed management actions that would impact members' ability to provide electricity to their communities.

Supported Alternative
Mt. Wheeler Power supports the selection of Alternative 5, the agency preferred alternative, with two alterations (see Management Direction Lands and Realty 17 (MD LR 17) and MD LR 18 below). Our entire system is less than 100 kilovolts (kV). Alternative 5 would designate Priority Habitat Management Area (PHMA) as an avoidance area for major and minor ROWs, while General Habitat Management Area (GHMA) would remain open for major and minor ROW. Table 2-4 identifies that minor ROW in PHMA would have the same restrictions as identified under Alternative 1, which represents the current environment under which we currently operate. Major ROW would be subject to a 3% disturbance cap, Required Design Features, and mitigation requirements. Any project located in a designated utility corridor would not be subject to the 3% disturbance cap.

Habitat Management Area mapping would be updated under Alternative 5 to reflect those used by the state of Nevada. Consistency between the BLM management and management by the state of Nevada would ease permitting requirements for cooperative utilities and provide clarity for operating in these areas.

Mt. Wheeler Power stands in agreement with our statewide organization NREA and requests that Alternative 5 be amended based on the comments below regarding MD LR 17 and MD LR 18.

Alternative 5 Clarification
The Executive Summary and Section 2.2.5 each state that Alternative 5 would consider "options with fewer restrictions on resources while and provide more opportunities for considering compensatory mitigation to offset impacts on sage-grouse and its habitat." However, the fewer restrictions and greater opportunities for compensatory mitigation are not clear in either of those sections or the corresponding tables of Chapter 2. Mt. Wheeler Power requests that a summary of the fewer restrictions and greater opportunities for compensatory mitigation be added to both the Executive Summary and Section 2.2.5.

MD LR 17 - Application of Lek Buffers
Mt. Wheeler Power would like to request that the application of lek buffers described for MD LR 17 in Table 2-35 be amended for Alternatives 3, 4, 5, and 6 to reflect those of Alternatives 1 and 2. As currently written, Alternative 5 would require the installation of nesting and perch-deterring devices within 4.0-miles of a lek as a blanket rule. Mt, Wheeler Power understands that the 4.0-mile lek buffer is based on literature estimating the distance from a lek where the majority of sage-grouse nesting occurs and is not a factor of disturbance to birds at the lek itself. However, Alternative 5 would not give any consideration to the local environment, potential habitats surrounding the distribution line, or any previous monitoring efforts at those distribution lines. For instance, distribution lines situated near major roads would pose far less of a threat to nesting sage-grouse, because the presence of the road would influence nest site selection. The distribution line may be located within non-suitable habitat where sage-grouse nesting is not likely to occur.

In these instances, installation of nesting or perch-deterring devices would not have the desired effect of protecting sage-grouse and would be an unnecessary burden on Mt. Wheeler Power members . As a cooperative Mt. Wheeler Power is a small utility with limited resources and funding; the application of avoidance and minimization resources should be focused on where it has the highest impact on sage-grouse.

Mt. Wheeler Power requests that Alternatives 3, 4, 5, and 6 be amended to reflect the application of nesting and perch-discouraging devices described under Alternatives 1 and 2. Alternatives 1 and 2 require the installation of nesting and perch-discouraging devices during ROW renewal or amendment if adverse effects, such as increased nest predation on sage-grouse populations have been documented. This requirement is predicated on research and monitoring studies specific to power lines or other utility structures. MD LR 17 as described for Alternatives 1 and 2 allows for the application of avoidance and minimization measures in areas where they have the most benefit for sage-grouse.

MD LR 18 - Application of Lek Buffers Outside PHMA or GHMA
MD LR 18 would be a new addition to the Resource Management Plan under Alternatives 3, 4, 5, and 6 and would apply lek buffers to leks not located in PHMA or GHMA. Active leks outside PHMA or GHMA would likely be located in poor habitat and would not support the continued use or suitable nesting habitat for sage-grouse. Mt. Wheeler Power requests that MD LR 18 be removed from Alternatives 3, 4, 5, and 6 to reflect those under Alternatives 1 and 2.

Non-Supported Alternative
Mt. Wheeler Power does not support the selection of Alternative 3. Alternative 3 would designate all sage-grouse habitats as PHMA and would then designate all PHMA as an exclusion area for minor and major ROWs. Mt. Wheeler Power has an obligation to provide electricity to their communities, regardless of where that electricity is needed. If all PHMA is an exclusion area for minor and major ROWs, Mt.

Wheeler Power would not be able to provide that electricity across a large portion of their service territories.

We appreciate the opportunity to submit comments on the Greater Sage Grouse Draft Management Plan and sincerely ask that the Bureau of Land Management consider the requests and explanations provided in their decision process.

Respectfully submitted,

Kevin Robison, CEO
Mt. Wheeler Power

Date: June 13, 2024

TO: Bureau of Land Management

Sage Grouse Headquarters Team

440 West 200 South #500

Salt Lake City, Ut. 84101

FROM: Robert M. Skinner

3280 Skinner Rd.

Jordan Valley, Or. 97910

RE: Sage Grouse Comments

My name is Bob Skinner, I am a lifelong resident of Southeast Oregon, Jordan Valley. I have spent my entire life living and working on a multi – generational cattle ranch.

I am writing these comments because I'm genuinely worried about the well-being of our native Sage Grouse. I may sound like I'm story telling at times, but I think it is necessary to convey what I've experienced during my life here in rural SE Oregon. Also, it may shed some light on the decisions that may or may not really help the Sage Grouse. I am truly worried that these iconic birds may not be getting the help they need to flourish.

I will start going back 69 years (I was 5 years old at the time). The Sage Grouse (SG) were so plentiful here on our ranch that they would come into our fields in the evenings in very large horizontal flights, in wave after wave – hundreds if not thousands. I would take my bow and arrow and go SG hunting – I would more often than not be able to bring a SG back for my Mom to cook for dinner (she never did cook one that I can remember), pretty amazing that I could be so successful when you consider that my bow and arrow was the type that had suction cups on the arrows. She told me many years later that she had found out I just walked under the powerlines and usually found my birds dead after "powerline collision". She had my Dad follow me because I was somehow getting a SG almost every time I went "hunting". I could go on and on to tell stories that emphasize the fact that the birds were very, very prolific.

So the question is: What happened that the birds went from very plentiful, to now warrant a special planning exercise??

1. Their habitat may be threatened? This seems very unlikely because – historically the worst range conditions were in the early 50's. This is a fact that I documented by range scientists (at least in my area of SE Oregon). (The 50's is when my story from above proves the birds were thriving then)
2. SG do need water – we now have many more water sources for them.
3. We have protected nesting areas and lek sites; now have very controlled hunting; control wildfire as much as possible; control juniper invasion; the list goes on.
4. The University of Idaho did a very extensive study on sage grouse nest survival. After 10 years of study, it concluded that chick survival was actually better in areas of cattle grazing because in part there were more insects (very critical for small chicks – protein).

In reading the very well-kept journal of "Peter Skene Ogden -Fur Trader", much can be learned about the very first of the beginning of the civilization of the west. There were no white settlers of any number that explored the Northwestern part of what is now the continental United States of America. Peter Skene Ogden (PSO) was certainly one of the first (if not the first) to write in detail about his experiences. Fur traders for the Hudson Bay Company sent some of the very first people to explore the NW in search of beaver. To sum up, PSO was one of the first (if not the first) person of non-native origin to explore what is now the NW corner of what is now the continental United States.

It is amazing to me that this group of people not only kept accurate in-depth written journals – but also suffered unbelievable hardships. Throughout his journal there are continuous writings that portray the extreme lack of anything edible (especially protein) – to the point that on many occasions they ate their horses to keep from starving. At one-point PSO even wrote that if anyone has cause to go into the unsettled NW they certainly "Need to Take Lots of Mules and Moccasins because by the time you leave you certainly will have eaten them all"

The point of bringing this up is that a very early exploration of the Pacific Northwest had very little to food source to keep these people alive (many did perish). Sage Grouse were clearly not an option for them.

Also, probably even more well known was Lewis and Clark, who historically almost starved to death and probably would have starved if not for Sacajawea, who negotiated with a northern tribe to furnish salmon meat enough to get the party through to their destination. According to history both of these early explorers had very accomplished hunters who were to keep the explorers in meat. Neither party talked about Sage Grouse (that I ever saw). I

know that if there had been any Sage Grouse where these people were exploring, there would have been very little talk about starvation. To my point in writing my comments. Sage Grouse are actually very easy to harvest – especially for skilled hunters.

One has to look at the big picture on recovery and current numbers. What did we have when Sage Grouse were at their peak numbers? We had high density grazing and other management that's not used today. We had 10/80 (a very potent non discriminating poison) that was widely used by Federal animal control agents to control predators, mainly coyotes, but ravens certainly were exposed. Thus the largest killer of young grouse (both small chicks as well as eggs) were certainly greatly reduced. Ravens are a species that thrives on civilization, and one that is smart and capable of nest hunting.

Of all predators, on the ground or in the air, ravens are the most capable, they have the ability to see, find and destroy even camouflaged nests and chicks that are very vulnerable to attack from the air, and definitely they are good at what they do. They are smart, adaptable, and very prolific.

Since the indiscriminate use of the 10/80 was made illegal to dispense we have seen a real rise in raven numbers. (I want to be clear here that I am in no way supportive of going back to the indiscriminate use of 10/80.) For the sake of looking at what has been the biggest threat to all ground nesting birds in Sage Grouse country that I live in, I believe most everyone would agree that ravens are the greatest threat to nesting grouse. Currently the Federal Government {ADC – Animal Damage Control} has access to very selective poison (DRC1339) that is (dispensed inside an egg) that does offer some relief for ground nesting birds because ravens are indeed nest hunters and do seek out eggs to eat. Less effective poison means more birds, so we see birds facing more predation from ravens now, when there are already less birds to begin with.

I again want to reiterate that looking at early history Peter Skene Ogden as well as Lewis and Clark it is clear that the Sage Grouse were "pretty scarce". When predators (such as ravens) that thrive on civilization become much more prolific, the decline of the Sage Grouse numbers are totally predictable.

In talking with Oregon Department of Fish and Wildlife people who did SG nest survival studies in SE Oregon (Hart Mountain Refuge), they told me that ribbons were tied to a bush next to the nests they were able to find, so they could find them at a later time to determine survival or failure. Soon the researchers realized that ravens were "keying on the ribbons" so they could attack the nests – when they realized what was happening, they were frantic to remove all ribbons. I realize it is almost incomprehensible to believe that these predators are able to figure out so quickly how to find these nests – but they did.

In closing, I just want to emphasize that if we are going to truly help these birds I believe we need to address the real issues that are so obvious. In this case where we have such obvious predation issues – we need to find ways to address raven predation and populations will recover.

Tracy Stone-Manning
U.S. Department of Interior
Director (630), Bureau of Land Management
1849 C Street NW Room 5646
Washington D.C. 20240

Re: Comments on BLM Draft Greater Sage-Grouse Resource Management Plan Amendment and Environmental Impact Statement

Dear Director Stone-Manning,

I have concerns about the BLM chosen plan, Alternative 5. The increase in priority habitat management areas under preferred Alternative 5 will negatively impact Wyoming's economy and all of the people that reside in the state. Wyoming has had a plan in place to protect the Sage Grouse since 2008 and this plan has been successful. It has kept the Sage Grouse off of the endagered species list and done so with minimal impact to the economy and the citizens of Wyoming. The BLM Sage Grouse Alternative (draft) Plan does not adequately address the management of invasive species, wildfires and predators. The people who live in the area know their environment better than anyone and can strike a balance between the environment and the economy. Protecting the environment while not placing an unmanageable burden on the people who reside in the area.

Please remember: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Thank you for your time and consideration..

Citizen of the State of Wyoming
Don DeLaune

BLM Utah State Office
ATTN: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84101

June 13, 2024

The U.S. Geological Survey has reported estimated range-wide population declines of Greater sage-grouse of nearly 80 percent from 1966-2021 and of 41 percent from 2002-2021 (a total reduction of 88%). While the study identified areas in the range where Greater sage-grouse populations were stable to increasing, the researchers found that over 87 percent of areas throughout the range had declining populations since 2002.

Between 2012 and 2018 nearly 60 percent of the sagebrush losses occurred on BLM-managed lands (approximately 1.1 million acres range wide), primarily due to wildfire. In the past, sagebrush loss on public land was also the result of chemical and mechanical treatments to produce more grass for livestock.

As the result of this significant decrease in both population and habitat, the BLM has an obligation to take major steps to prevent further losses. In 2010 the U.S. Fish & Wildlife Service found the greater sage-grouse to be "warranted but precluded" from listing under the U.S. Endangered Species Act due to higher conservation priorities, but identified the bird as a candidate for future listing. Without significant action to minimize further losses, the species will inevitably become listed, which will further constrain other management action on public land.

Of the six alternatives in the Draft Management Plan, Alternative 3 has the most restrictions on resource uses that can adversely affect sage grouse or sagebrush habitats and, therefore, has the best outcome for greater sage-grouse.

- Alternative 3 would update the habitat management area boundaries based on new information and science that has become available since the 2015 and 2019 efforts.
- All habitat management areas would be managed as Primary Habitat Management Areas (PHMAs).
- The BLM would close PHMA to new fluid mineral leasing, saleable minerals/mineral materials permits and nonenergy leasable minerals leasing.
- PHMA would be recommended for withdrawal from location and entry under the Mining Law of 1872
- PHMA would be unavailable for livestock grazing.
- PHMA would also be right-of-way (ROW) exclusion areas.

- Under Alternative 3, the BLM would designate 11,139,472 acres of ACECs specific to the management of Greater sage-grouse, 9 percent of the 10-state planning area.

- Alternative 1 is a continuation of current management; use of public lands and resources would continue to be managed under the BLM RMPs, as amended in 2015. Sage-grouse populations have continued to decline under current management. This alternative would not ensure the long-term survival of the species.
- Alternative 2 represents a continuation of management under the BLM RMPs amended in 2019. This is the No Action alternative. The 2019 amendments have been enjoined by a District Court and are not currently being implemented. This alternative offers even less protection for sage-grouse populations because removes restrictions on uses that adversely affect sage-grouse populations and habitats.
- Alternative 4 was developed by the BLM to update the habitat management area boundaries and associated management based on new information and science that has become available since the 2015 and 2019 efforts.
- Alternative 5 was developed to consider other potential alignments of habitat management areas and associated management to try and balance GRSG conservation with public land uses. Alternative 5 is the agency's preferred alternative.
- Alternative 6, management for all habitat management areas and the management actions being considered in the range of alternatives would be the same as described for Alternative 5, but with the addition of ACECs.

Alternatives 1, 2, 4, 5 and 6, while offering some protection for sage-grouse, do not restrict resource uses sufficiently to eliminate adverse effects to sage-grouse and their habitat. While Alternative 3 may seem like a drastic alternative, with the probability of continuing drought worsened by climate change, drastic measures are needed to save this iconic species. After 48 years of authorizing uses that have negatively impacted sage-grouse and their habitats, it is time to reverse the damage. Alternative 3 is the only alternative likely to have a significant positive outcome.

Thank you for the opportunity to comment on this draft management plan. As a biologist and retired BLM employee, I have hope that the BLM will select a strategy that will allow Greater sage-grouse to thrive on public land.

Sincerely,
Christine Jauhola
Grand Junction Broadband Leadership Team
Great Old Broads for Wilderness

To: BLM
Re: Sage RMP

6/4/24

Please adopt the plan with greatest protection for sage-brush natural areas. You must not grant exceptions for disturbance caps. The native plants and animals of these delicate high desert biomes need maximum protection. They are very precious to me and my children, thus the future of Oregon.

Thanks.

Sincerely, Mary F. Cook

Victoria C. Faeo
321 Grove Creek Road
Belfry, MT 59008

Comment on the 2024 Draft EIS for Greater Sage Grouse Protection

This 2024 Draft EIS is an impact statement that will have a detrimental impact on another wild iconic, indigenous species that also lives on BLM land and was unanimously mandated by the United States Congress in 1971 to be protected, the wild horses and burros. All six of the EIS Alternative plans include wild horse and burro round-ups as part of the proposed Greater Sage Grouse (GRSG) protection. Not one Alternative plan excludes the wild horse and burros as a threat to GRSG population decline, and no Alternative suggests a possible impact by other large ungulate species native to the same habitat, such as pronghorn antelope, elk, mule deer, white-tail deer, or predator species, such as badgers, felines, canines, weasels, grizzly bears, snakes, and raptors.

In fact, Congress has recently given the BLM a directive to stop all wild horse and burrow round-ups in light of new, successfully tested, temporary sterilization of mares using PZP. This would be a win-win situation in that it would stop the millions of tax-payer dollars spent on death-causing and cruel helicopter round-ups and the life-long containment of captured horses. Eager graduate students in the fields of wildlife management and veterinary medicine could be offered jobs to assist in the administration of the PZP.

The motivating term used for developing this new EIS is the stated occurrence of “new science”, but this term is not defined and the peer-reviewed studies identifying this new science are not identified or referenced. New science is also not specified in reference to wild horses and burros, which has actually occurred with the development of PZP. No statistical correlations are presented that associate wild horse and burro behavior, or their current population size, to the decline in GRSG numbers.

As a matter of fact, no studies are referenced at all in this EIS linking or identifying potential causes to the GRSG population decline from the recorded high of millions to the current extrapolated number of 800,000. Possible causes, such as climate change, wildfires, invasive plant species, and habitat loss are proposed, but none are statistically correlated.

Victoria C. Faeo
321 Grove Creek Road
Belfry, MT 59008

Sometimes habitat loss is due to natural, imperative plant succession, but climate change and wildfires can also be a contributor. Habitat loss can be caused by human development, which is evident in change detection analysis of classified satellite imagery, but habitat loss has not been statistically correlated to be caused by wild horses and burros or any other native animal species in the GRSG habitat areas. As a person with a Master's Degree in Remote Sensing and wildlife habitat identification, I am not aware of any studies siting a statistical correlation between wild horses and burros and GRSG habitat loss or population decline. This EIS also does not state such a verified correlation.

If there is any doubt as to whether wild horses and burros are native to the states that are addressed in this EIS, paleontological data proves that wild horses and equines have inhabited North America for thousands of years, along with other modern-type ungulates and ground-nesting birds. Horses and burros were wild *first* and then *later* tamed and bred by humans. Their natural behaviors, health, and longevity in the wild are testimony to their natural adaptation to be wild today. They remain superbly healthy and do not need to have their hooves trimmed, their teeth filed, or to be repeatedly dewormed. This is due to their perfect physical and behavioral acclimation to the wild environment. When the greater sage grouse population was at its recorded maximum, wild horses roamed free.

There are so many variables affecting wildlife today due to the recent heightened dynamics of weather and the impact of that to soils, plants, rain, insects, and ground water, that a very complicated study would have to be undertaken to determine correlations between those variables and GRSG population. That has not been done in this EIS. In addition, that multivariate study would have to include GRSG behavior, not just the count of their lek sites. What percentage of their eggs are viable? Why is their natural population cyclic every ten years? What causes that? What do they need besides the sagebrush that we see them in? Are they missing something smaller, not visible? How does nearby farming with herbicides and pesticides affect them? How does the decline in honey bee populations affect them? What percentage of farms that use toxins border BLM sagebrush lands?

All of these factors have to be taken into account to determine GRSG population decline. A relatively low population of naturally cohabitating species, like wild horses and burros, elk, and pronghorn antelope are very unlikely to be involved.

BLM manages a total of 145 million acres in the United States. Of that, 67 million acres are sage grouse habitat. BLM manages 31.6 million acres of Horse Management Areas (HMAs) in 10 states (this EIS addresses six states). So HMAs account for less than half of GRSG habitat, *if* the HMAs contain sagebrush habitat. And what percentage of sagebrush habitat actually occurs on HMA land? This is not stated in the EIS.

Three years ago, the population of wild horses and burros was about 73,000 on 31.6 million acres of land. That is 429.82 acres per horse. This is an extremely low density and well within the carrying capacity of the HMAs. Even so, BLM wants to spend about $100 million to round up 20,000 more wild horses and burros this year, in spite of the Congressional Directive not to. With the $300 million tax dollars spent in the last three years that rounded up 30,000 wild horses and burros, this will leave about 27,000 total wild horses and burros on 270 HMAs, which was the population in 1971 when Congress unanimously passed the Wild Horse and Burro Protection Act. This Act was passed because the wild horse and burro population was so precariously low. So what could be the reason to push it to that level again?

To include a completely separate management plan, such as that of the Wild Horses and Burro Act in the Greater Sage Grouse Management EIS is an obviously sneaky way to ignore a Congressional Directive. BLM has ignored Congressional Directives in the past. The captive horse population this year in crowded pens is 64,000, that have to be fed, trimmed, and vaccinated at tax-payer’s expense. Add to this the unnecessary misery of having to live a lifetime in such crowded, million-dollar, manure-managed conditions doesn’t make sense. Each horse creates 12 manure piles each day. This year, BLM wants to increase the captured number to 80,000, partially using this GRSG EIS!

In the last 53 years, what has fueled the wild horse and burro roundups has been BLM’s prioritization of commercial livestock grazing on HMA land over

the Wild Horse and Burro Act, but this EIS plans to limit livestock grazing to protect the Greater Sage Grouse, so why are the cruel wild horse roundups continuing, and without any scientific reason? And also, *why* are they being rounded up in such large numbers when wild horses and burros bring each state valuable tourism dollars?

Concerning Chapter 2 of the GRSG EIS: Disturbance Cap

I believe this mostly refers to a human-caused disturbance cap. This EIS must be more specific when it comes to human freedoms, and this EIS does not specify examples of what adaptive management procedures might be. The EIS does not state what plans it has for private property that borders BLM or lies mostly surrounded by BLM and GRSG habitat. Should not the land owners be individually identified and given maps of GRSG known lek sites, so these people can participate in the conservation of the species? These land owners must be guaranteed conservation-minded access to their homes, pets, food, shelter, and life savings in the form of their paid-for property. People are the most important aspect of wildlife longevity, and management details concerning them should not be vague, unaddressed or limited to a single word, such as the undefined “adaptive management’.

For all of these reasons, I vehemently object to all six of the Alternative Management Plans, and consider this entire Environmental Impact Statement ineffective, invalid, and scientifically flawed. This draft should be rewritten addressing all of the questions and facts I have brought forth. All references to wild horses and burros should be deleted.

The BLM is also obligated to respond in the affirmative to the recent Congressional Directive given to it to halt all wild horse and burro roundups. The BLM must also distribute the captive population of wild horses to sanctuaries or commercial viewing sites to live lives in humane environments within the U.S. Humans are the most intelligent animals on Earth and are capable of discovering creative and humane solutions for people and wildlife. This EIS does not come close to what could be achieved concerning real wildlife protection.

North American Falconers Assn.
Conservation Committee
Ralph Rogers
Box 63
Winifred, Montana 59489

RE: Comments on BLM Draft RMPA for Greater Sage Grouse (89 Fed. Red. 18963.

TO: Dr. Pat Deibert/Quincy Bahr
BLM
Salt Lake City, Utah

Dr. Diebert, Mr. Bahr.

Background: In the early 90's, biologists Tom Cade (Cornell U., and Boise, ID) and Kent Christopher (Boise, ID) noticed a consistent decline in the numbers of greater sage grouse (GRSG) in NE Idaho. After years of observation by these and other of our members throughout appropriate habitats in other locations, our field experiences strongly suggested that the GRSG populations in large portions of their habitat were declining. Out of concerns, in 1990, the North American Falconers Assn. (NAFA) formed a sage grouse committee, working in concert with other activities of NAFA's Conservation Committee. In 1999, and after almost a decade of reported population declines, that committee morphed into the 501-C-3 organization, the North American Grouse Partnership (NAGP). One of the major precepts of NAFA then and now was advocacy for "no net loss of sage grouse habitat". We have clearly failed as these declines, now universally accepted and quantified, have continued. What managers and users have been doing, or not doing, is clearly not working.

Management of many species of grouse and confederate shrub-steppe obligates are largely private lands issues; the sage grouse is different in that respect. Sage grouse are largely a public land species. The BLM has a unique role here and the survival of this species rests largely on the back of BLM management. This responsibility is also a great opportunity, but clearly, time is running out.

We now know the probable causes of GRSG declines; they are multiple and usually correlated. Oil and hard rock-mineral development, cheatgrass, over-grazing, fire, noise, dust, wind development, solar projects, electric transmission lines, encroachment of trees, and of course direct conversion of shrub-steppe for any end, all result in population declines. Any meaningful RMPA must address and minimize all of these causative activities if we are to expect positive results. The last 30 years illustrate that without stronger dedication to conservation measures, lek counts will just continue to drop.

No Net Loss: NAFA can endorse "no net habitat Loss" only if the 1990 baseline or, worse case scenario, the 2015 populations are used. We strongly endorse rehabilitation back to those levels. Those efforts could be concentrated around the margins of high-quality habitat.

Fire/Cheatgrass: The fire-driven conversion of shrub-steppe to monocultures of various species of invasive non-native brome grasses is one of the largest drivers of GRSG habitat loss. Fire incidents in GRSG habitats should receive quick responses with full-suppression tactics. Research and use of chemical agents on cheatgrass needs to expand.

Over-grazing: We recognize the sensitivity of this issue. Scientifically, we have too many cattle in areas of, high altitudes, low annual rainfall, and where the only available water is man-made. These areas never experienced a history of heavy ungulate use. Those vegetation types just can't sustain the level of use they experience long term. To the extent possible, and considering the cultures of the BLM and cattle producers, we need to allow those areas to rest by decreasing/retiring AUM's. And, as Aldo Leopold said, over-grazing exacerbates cheatgrass invasions.

Parochial disturbances: Research shows that noise, dust, wind, solar, and roads can all have local negative effects. These disturbances, like others, must be minimized in any core area. We fully support 3-mile NSO designation around any lek if we expect to have meaningful population increases.

Our member falconers have been partners in efforts to help GRSG over the last 30 years of close witness to continued declining populations. We have helped BLM mark fences, find leks, locate wintering populations, run winter surveys, and perform any job the BLM has needed of us. We remain good partners but express our disappointment in the results from all of our efforts to sustain sage grouse populations. We are rapidly approaching a too little, too late breaking point. We are disappointed in the BLM selection of alternative #5 (less restrictive) as the "preferred alternative". If we can't address the specific problems with this RMPA, then we must support alternative #3 but believe that too may not be restrictive enough.

NAFA thanks the BLM for the opportunity to comment on this important issue.

"*Platitudes and planning will not save sage grouse. Strong leadership and a commitment to science-driven solutions are necessary to conserve one of North America's most iconic species…*" ….
Jack Connelley, 2024, NAGP- Grouse News.

I am a rancher in Oregon and would ask for your consideration for livestock grazing with the finalization of the Greater Sage Grouse management plan. We value collaborative conservation efforts and have been engaged participants in the process to find solutions. It is my belief that the BLM has adequate mechanisms already in place to manage grazing in sage grouse habitat, and there should be no additional restrictions on permits. Studies have found grazing to provide benefits rather than harm to sage grouse species and this should be considered when reviewing the management plan. Grazing also provides broad benefit to ecosystem health, helping to combat wildfires, a main threat to sage grouse (See_ Davies, Kirk W., Chad S. Boyd, Jon D. Bates, Lauren N. Svejcar, and Lauren M. Porensky. 2024. “Ecological Benefits of Strategically Applied Livestock Grazing in Sagebrush Communities.” Ecosphere 15(5):
e4859. https://doi.org/10.1002/ecs2.4859). The BLM’s plan for Oregon should give management decisions to those at a local level, on a site specific basis. These are my comments to be considered in the final RMPA/EIS.

1. Areas of Critical Environmental Concern (ACECs) should not be incorporated into sage-grouse management efforts.

2. Through permit renewal and the application of land health standards, BLM already has adequate processes in place to manage livestock grazing and take action when needed. The additionality of the development of thresholds and responses is redundant and could establish a workload for BLM that the agency cannot keep up with.

3. The inclusion of a 7” stubble height requirement is inappropriate and should be changed to “adequate residual cover”.

4. The adaptive management process creates a system that would unfairly punish or restrict grazing without cause and as a result of the effects of other land impacts. This needs to be re-thought in all alternatives.

5. Rangeland improvement projects are important tools for grazing permittees and the BLM to manage grazing at optimal levels. This plan should not result in the reduction or elimination of range improvements and should not discourage their development.

6. The plan relies on the use of the Habitat Assessment Framework (HAF). There is potential for misapplication of this tool. It is important that the BLM uses multiple lines of evidence and data to support its monitoring efforts.

7. Livestock grazing provides a multitude of benefits to sage-grouse that should be accounted for in the Draft RMPA/EIS. Language that could be misconstrued to enable BLM field staff to restrict or reduce grazing when it is not a causal factor should be cleared up or adequately addressed in a follow-up Instructional Memorandum.

8. Alternative 3 is bad for sage-grouse, bad for the economy, bad for cooperative conservation efforts, and contrary to the BLM's multiple-use mandate. No parts of it should be incorporated into the final RMPA/EIS.

And importantly, our ranch is impacted by the Key RNA issue as we are the permitees on the South Bull Canyon Key RNA. We support going back to the 2019 decision to open the RNAs to grazing for several reasons:

1. Fire Risk: with 2 leks only 1.2 miles away, removing grazing creates a significant fire risk. The RNA is bordered on two sides by roads, one is a well-traveled county road and the other is frequented by and camped upon by recreationists, hunters, etc especially in the late summer months during hunting seasons. This poses a serious risk for fire if fuel loads are allowed to simply accumulate year after year indefinitely.

2. As stated in the EIS, a large portion, if not all of the RNA has been altered on various levels - i.e. it "burned in 2016 and was planted with bitterbrush and sagebrush. The seed source for the plants is not from the vegetation within or directly adjacent to the Key RNA. The genetics are therefore different and may not represent the local genetics and could impact a research study." And, the entire RNA was treated with the herbicide imazapic to combat the invasive annual grasses that are present. These actions, while beneficial for the overall land health and something we support, have impacted the usefulness of this area as a study sample and "control area".

3. Ranchers have been cooperative in the sage grouse effort, enrolling private lands into CCAAs and participating in any number of efforts to help the species, working cooperatively with the BLM and other agencies. Closing these RNAs to grazing is seen as uncooperative and unnecessary as there are numerous areas/opportunities for research that already exist. It does not help further strengthen the relationships between agencies, NGOs, and landowners that is necessary to actually help the species.

If the 2019 decision is not enacted, then we support Alternative 5 as it relates to the RNA specifically for the same reasons stated above. Thank you for your consideration of these comments, we look forward to continuing to be partners in stewarding this land.

Thank you,

Linda Bentz

Dennis J. Brabec, Manager and Owner

Fiddleback Farms, LLC

6041 South Walnut Street

Casper, Wyoming 82601

Thank you for the opportunity to present comments on the proposed Greaser Sage Grouse Management Plan. I was the owner and General Manager directing the operations for Daimond Wings Upland Game Birds, A unit of fiddleback Farms, involved in the collection of Greater Sage Grouse Eggs (GSG), Hatching those eggs, and raising the chicks to adult then gathering eggs, hatching those eggs, and raising the chicks. My on-site manager, Karl Bear, worked under my direction, to achieve this significant accomplishment. This project involved extensive facility development, tracking the GSG with transmitters for egg collection and field searches for nests and birds in the Big Horn Basin. Our work involved most GSG areas of the Basin and allowed close ground observation of the habitat of the areas. I have since sold the operation to Mr. Bear who is the owner and General Manager of the GSG project.

After over thirty years of the BLM working on one primary aspect of the GSG, habitat, the number of birds has decreased by 50%. I believe some modifications need to be made to the proposed plan to get the GSG back on a growth trajectory.

1. Our observations during nest searches noted invasive species (cheat grass or downy brome grass). In these areas the GSG were not present. The cheat grass also caused additional risk of wildfire. I believe a chemical treatment has been developed and should be employed on areas of extensive cheat grass invasion.
2. Disease was not mentioned in the presentation but should be considered. The loss of GSG due to West Nile Virus in the Powder River Basin and Avian Flu throughout the state has had a direct impact on the bird numbers. I propose using the captive raised birds for research in the development of an aerosol vaccination be developed and employed on leks in areas of potential disease outbreak.
3. There exists in the BLM personnel great resistance to the raising of the birds in captivity and I believe the efforts should be redirected to working with the private enterprise to develop a release mechanism to return birds to the wild especially in areas that have lost most or all the GSG bird population.
4. Depredation was just briefly mentioned in the presentation and the BLM does not have the authority over the predators, however, they should have an influence with the US Fish and Wildlife Service and work with the states to control predators. I was told by the Wyoming Game and Fish personnel that the number of Ravens has increased 2000 percent since the mid 1990's and our field observations indicated depredation of nests by raptors as well as coyote, fox, raccoon, and bobcat. A direct correlation between the growth in the Raven population and the decrease in the GSG population exists. If questions on the effects of predators, a smaller area could be used as a control area to determine if predator control-primarily ravens-can be achieved and if the GSG population is affected.

Please give these recommendations consideration in the proposed Greater Sage Grouse Resource Plan.

Respectfully Submitted

Dennis J. Brabec
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CUSTER COUNTY COMMISSIONERS
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May 30, 2024

Bureau of Land Management
Federal Register
https://eplanning.blm.gov/eplaiming-ui/proiect/2016719/570
Secretary of Interior
Deb Haaland
1849 C Street NW
Washington, DC 20240

Dear Secretary Haaland,

We are asking for an extension to "The Greater Sage Grouse" EIS comment period deadline of June 13. A 60-day extension would enable local elected officials to fully respond to the 600-page document.

The extension would eliminate the appearance of "Restricting Participation" in a government process for citizen input.

Thank you for considering our request for a more complete comment period to the "Greater Sage Grouse" EIS document. Our public lands and adjacent private property owners deserve the opportunity for a maximum successful plan for all concerned entities involved.

Sincerely,

Randy Corgatelli, Chairman
Board of Commissioners

Thank you for the opportunity to comment on the Draft Resource Management Plan Amendment for the Greater Sage-Grouse.

I live in the Missoula, Montana area and am the leader of the local chapter of Great Old Broads for Wilderness. Great Old Broads for Wilderness is a national grassroots organization, led by women, that engages and inspires activism to preserve and protect wilderness and wild lands.

Prior to moving to Montana, I lived in Wyoming for over twenty years, which is where my two daughters grew up. One of the memorable outings for my daughters, when they were very young, was getting up long before the crack of dawn and traveling east from our home in Cody, Wyoming to observe Sage-Grouse Lek activity in the Sage Creek area near Cody.

As I have come to understand that the habitat for the Great Sage Grouse is in serious decline despite efforts made in the 2015 Sage Grouse Strategy Agreement, I am sadden to think that that the species may not survive and that other children will never have the thrilling opportunity to experience what my daughters did in the 1990s.

I support the designation of a range-wide network of ACECs that protect places that are biologically important for sage-grouse conservation, and specifically I support the designation of the Sagebrush Sea Reserve ACEC network that was nominated by a group of conservation organizations.

I support designation of the Sagebrush Sea Reserve ACEC network because it protects the habitats identified by the US Fish and Wildlife Service as essential for sage-grouse conservation and long-term viability.

BLM needs to strengthen sage-grouse protections and ACECs are the way to do it. ACECs can help reverse the continuing and serious declines of greater sage-grouse and Sagebrush Sea habitats and provide an enduring solution to habitat loss.

BLM needs to establish strong management direction for ACECs consistent with BLM's direction to protect and enhance the values for which the ACECs are designated.

It is my hope that this planning activity will result in plan amendments that will bring strong protections for the Greater Sage Grouse and that not only will these animals then serve an important role in wildlife species diversity, but also be an inspiration to future generations.

Thank you,

Jennifer Watson

Elko County's Scoping Comment Regarding the Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning

Prepared by:

Curtis F. Moore
Elko County Natural Resources Director, M.S., J.D.

Introduction

Elko County is a county in northeastern Nevada. Nearly 73% of Elko County is administered by Federal Agencies. The land managed by the US Forest Service is on the Humboldt-Toiyabe National Forest, and the rest is managed by the Bureau of Land Management or by local tribes. Elko County's economy is heavily dependent on extractive industries, as well as livestock grazing and outdoor recreation.

Elko County supports the no-action alternative (Alternative 2), because of the stability it provides.

Purpose of and need for action.

This DSEIS is supposed to address new science and research. As with previous environmental analyses surrounding sage grouse, there are gaping holes in the research that have not been addressed and need to be for the agency to gain a complete picture of the sage grouse's place in the sagebrush ecosystem and its relationship to the other users in this ecosystem.

The most glaring holes have to do with the sage grouse's historical range. The first travelers through the Great Basin recorded that they hadn't seen any sage grouse. Peter Skein Ogden's journal is clear on that point. John Bidwell, travelling across northern Nevada in 1839 along what is now the Humboldt River, wrote that his party had to butcher their own oxen because they did not see any other game.[1] What Elko County cannot find, and what the DEIS

[1] Nunis, D. B. (1991). *The Bidwell-Bartleson party: 1841 California emigrant adventure: The documents and memoirs of the Overland pioneers.* Santa Cruz, CA: Western Tanager Press.

and the 2015 ROD fail to address, is what evidence there is that the Greater Sage Grouse was widely distributed through this area before European settlement. Elko County has been unable to locate any research that suggests that the sage grouse, a large, slow-moving bird, was exploited as a food resource on any large scale by the Native American tribes. Especially in the Great Basin, which was described by early European settlers as a landscape almost devoid of wildlife.[2] This is important because, if the goal of this process is to restore the sage grouse to their historic range, then accurate data regarding their historic range is necessary. It is also necessary because, if Ogden and Bidwell were correct and there were few Greater Sage Grouse in this area before widespread European settlement, then the success of the bird must be tied at least in part to grazing livestock and that tie must be examined in greater detail.

The Draft EIS points out that the sage grouse is "now absent from almost half of its estimated historic distribution," and that its population has declined nearly 80% since 1965.[3] However, the agency gives no clear reason why 1965, 2004, or any other date should be used as the benchmark how many sage grouse should be present on a healthy landscape.

The research shows that, in the Great Basin, the highest populations of sage grouse coexisted with high populations of cattle and sheep.[4] As of now the data regarding the range of the Greater Sage Grouse only goes back a few decades, which is less than an eye-blink to this complex ecosystem. The fossil and archeological record shows that, nearly 7,200 years ago, the Sage Grouse along with other birds that rely on abundant surface water sharply declined as the

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[2] Barr, Q. J., & Steninger, A. (n.d.). *The Greater Sage-Grouse Does Not Warrant Listing Under the Endangered Species Act* [Scholarly project]. Retrieved from https://www.water-law.com/wordpress/wp-content/uploads/2016/03/Sage-Grouse-Not-Warrant-Listing.pdf

[3] Section 3.2.1

[4] Elko County, Division of Natural Resource Management. (2012). *Greater Sage Grouse Management and Conservation Strategy Plan.* Elko, NV.

climate changed and the Great Basin became more arid.[5] It is therefore Elko County's recommendation that the Final EIS must reflect what the GRSG's historical range was pre-European settlement, and more research is required before an accurate determination can be made.

Planning and Decision Area

Put simply, the planning and decision area for this DEIS is too large. While landscape-level planning is necessary to plan for wildlife conservation, the level of this decision is too large. It encompasses landscapes that have nothing to do with each other, and purports to make decisions that will apply equally to South Dakota, Wyoming, Nevada, Oregon, Idaho, Utah, and Colorado, with no scientific evidence to suggest that these populations have anything to do with each other. It is Elko County's position that more localized plan amendments to the 2019 plan would serve all parties better, and that is why Elko County supports the no action alternative.

ACECs and SFAs

Elko County opposes the designation of ACECs and SFAs as part of this planning effort. There is not enough research showing that either of these tools would address the top causes of sage grouse population decline: wildfire[6] and predation.[7] These large-scale withdrawals of federal land would be economically crippling to many communities, and would not be as effective as local planning using ground-truthed data. Based on these considerations, Elko County opposes any alternative that includes ACECs or SFAs.

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[5] Grayson, D. K. (1993). *The deserts past: A natural prehistory of the Great Basin*. Washington D.C.: Smithsonian Institution Press.

[6] Coates, P. S., Ricca, M. A., Prochazka, B. G., Brooks, M. L., Doherty, K. E., Kroger, T., Blomberg, E. J., Hagen, C. A., & Casazza, M. L. (2016). Wildfire, climate, and invasive grass interactions negatively impact an indicator species by reshaping sagebrush ecosystems. Proceedings of the National Academy of Sciences, 113(45), 12745–12750. https://doi.org/10.1073/pnas.1606898113

[7] Coates, Peter S.; Webb, William C.; Dettenmaier, Seth J.; Harju, Seth M.; and Delehanty, David J. (2021) "Synthesis of Nest Predation Impacts of Common Ravens on Sensitive Avian Species," Human–Wildlife Interactions: Vol. 15: Iss. 3, Article 11.

Socio-Economic Impacts

The DEIS fails to meaningfully capture the importance of out-of-county mining jobs to the economy of Elko County in particular, and to model the impact that these alternatives would have. 40 CFR 1508.14 provides that, "[w]hen an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment." Elko County's economy is heavily dependent on resource extraction. In an area where the average wage is around $68,000, miners living in Elko County bring in approximately $116,000 per worker.[8] Additionally, roughly ten thousand people are employed by mining companies or mining contractors who work at sites both in Elko County and in neighboring counties.[9] Many of these miners work outside the County in mines in Eureka and Lander Counties. The tax structure in Nevada channels most of the net proceeds taxes to the counties where the mine is located, even if the employees who need county services live in other places. This requires counties like Elko to rely to a greater extent on sales, property, and other taxes to provide necessary services to these residents.

The DEIS did not do a satisfactory job of modeling the impacts to any of the affected communities, but especially did not cover the effects any of the alternatives would have on counties in Elko's situation. The FEIS should not be approved without more robust economic modeling.

[8] UNR NEAP Baseline Assessment, 2020.
[9] https://www.nevadamining.org/faqs/analysis/

Bureau of Land Management Staff
Topic: Draft EIS on Greater Sage-grouse habitat management on BLM public lands

These comments are submitted by the Coalition for Healthy Nevada Lands, Wildlife, and Free-Roaming Horses (CHNL). We are Nevada conservationists, including former and current natural resource agency professionals, academia professors, concern citizens, and outdoor enthusiasts based in Reno. We noted several years ago that no wildlife advocacy groups were addressing free-roaming horse and burro impacts on rangelands, riparian areas, and wildlife. Our comments are mostly focused on sections of the Sage Grouse EIS addressing horses and burros. Many of our CHNL members are also involved with other environmental organizations and/or agencies, which we know will be submitting comments focused on other impacts.

We are disappointed that Sage grouse continue to decline subject to ongoing impacts from excess livestock, mining, roads, recreation, as well as horses and burros. Further, BLM appears to be unable to stem that decline. The alternatives proposed in the EIS are unlikely to have sufficient "teeth" on current allowable public land uses to prevent that decline. In addition to multiple-use rights accessing public lands, a warming climate, fires, and invasive species are threatening native plant communities and riparian areas that are essential for wildlife species including Sage grouse.

ABSENCE OF ANY SAGE GROUSE PROTECTIVE STATUS

Frankly, we see nothing in this EIS that suggests the future will be different from the present ongoing impacts. There is no Wilderness or Monument or other special land status designation which can provide some intrinsic "teeth" to protect Sage grouse habitat from detrimental uses. ACEC's mentioned in the EIS are unlikely to forestall use. There are too few places like the Sheldon National Wildlife Refuge where currently land is set aside for wildlife including Sage grouse. On BLM lands, Sage grouse, like most Nevada wildlife, lives on the remaining natural habitat after other uses take their share.

The state of Nevada has more than 40,000 horses and burros on BLM lands in Nevada including those Herd Management Areas (HMAs) administered by California BLM Field Offices. The current statewide Nevada Low Appropriate Management Level (High AML doesn't allow for any "thriving natural ecological balance"!) is 7,600 (40,000 is 520% of this low AML). To put this excessive number of horses and burros in perspective, their biomass and their equivalent uptake of forage and water is over 2 times that of all native ungulates combined in Nevada (deer, pronghorn, elk, and bighorn sheep). The horses are essentially reproducing faster than they can be removed due to current Congressional funding and long-term holding constraints.

WATER REQUIREMENTS

3.7 (P.3-29). The text states that the Wild and Free-Roaming Horses Act of 1971, as amended by FLPMA and the Public Range Land Improvement requires that BLM provide water for free-roaming horses and burros. Does that requirement cover water for horses up to the designated herd AML or does it require that additional water be provided as populations grow and spread? BLM does not have sufficient funds for water sources nor are their adequate forage resources for horses and burros beyond designated AML numbers. When horses and burros have overrun and destroyed water sources and riparian areas in HMAs and HAs, they are severely impacting Sage grouse populations. In the interim as horse numbers are reduced to AML, critical sage grouse riparian areas must be protected.

FAILURE TO CONTROL POPULATION INCREASES

BLM has proven their inability to maintain horse populations at the designated Low AML. This EIS acknowledges the difficulty of removing sufficient horses to reach this goal and protect the habitat.

3.7.1 Because removing horses and burros is dependent upon Congressional funding for BLM horse gathers and long term pastures, we highly recommend prioritizing horse removals focused on critical Sage grouse habitat areas when funds become available.

We support a reexamination of the location and AMLs of horses currently approved and distributed based on changing climate, excessive grazing if it occurs, and need to protect Sage grouse habitat. (As indicated on page 4.50). Altered high quality habitat is unlikely to return to its productive condition if grazed by excess horses and cows and/or competing with invasive plant species.

FENCING OPTIONS

Horse and Burro Management 4-56

Alternative 3 proposes removal of horses and burros and, we presume reductions or removal of livestock where necessary. Fencing would be needed to accomplish this task at great expense, involving interference with other uses and ongoing fence management responsibilities. Fencing around water sources is necessary to protect riparian values, yet provide access to wildlife, and leaving water outside the core riparian area for horses and cattle. Similar exclusionary fences are being removed from the Sheldon National Wildlife Refuge where once almost 2,000 horses roamed.

NSO in Sage grouse Primary Habitat Management Areas. We recommend that this NV-CA ROD include the coordination provision from the 2015 ARMPA (alt.1).

Nevada, the driest state in the nation, is host to nearly 60 percent of the free-roaming horses west-wide on BLM lands and therefore horse impacts on Sage grouse habitat is a major concern. Recent studies by USGS scientists in Nevada showed that where horse numbers are in excess of AML, Sage grouse populations are in decline. Whereas, where horse numbers are at or below AML, Sage grouse populations are stable to increasing (Coates, et al 2021). The reduction of wild hose populations to AML should be a significant goal in planning.

Finally, we strongly recommend that the NV-CA ROD contains management objectives that provide the highest conservation standards, (Such as those identified in Alternative 1 or 3.)

We appreciate your serious consideration of our concerns and recommendations.

Nevada Coalition for Healthy Nevada Lands, Wildlife, and Free-Roaming Horses

June 13, 2024

To: BLM Utah State Office, Attn: HQ GRSG RMPA
440 West 200 South #500
Salt Lake City, UT 84101

Re: Comments on The Greater Sage-Grouse Draft Resource Management Plan Amendment/Draft Environmental Impact Statement (Draft RMPA/EIS)

Dear Bureau of Land Management,

Please accept this comment on behalf of the Western Slope Group of the Colorado Mountain Club. We live in western Colorado and the public lands that surround our communities are important to us for their conservation and recreation values. The Western Slope Group consists of over 120 members. Statewide, Colorado Mountain Club is a community of 6,500 individuals. Members enjoy a variety of organized activities including hiking, mountain biking, wildlife viewing and camping. Colorado Mountain Club's missions include promoting sustainable human-powered recreation and protecting wildlands and habitat.

The draft RMPA/EIS is important to us because some sagebrush habitat areas are situated in our geographical region. More importantly, we are concerned about the declining populations due to habitat loss and the need for the BLM to update conservation goals.

According to the draft, in 2010, the USFWS determined that although listing the greater sage-grouse was "warranted" under the Endangered Species Act, it was "precluded by other priorities." The USFWS found that there has been a continued decline of Greater Sage-Grouse habitats as well as inadequate regulatory mechanisms in place to guide habitat management. The U.S. Geological Survey lek data reveals a decline in populations of approximately 80 percent since 1966.

Given these statistics, we are concerned that the BLM Preferred Alternative 5 does not go far enough to protect the Greater Sage-Grouse. Alternative 5 emphasizes balancing Greater Sage-Grouse conservation with "public land uses." Although the public land management process involves considering not only conservation, but commercial and industrial concerns, given the population declines, the balance must tip in favor of conservation of the Greater Sage-Grouse habitat. Alternative 5 will merely maintain the status quo, possibly slowing the extinction of a species, but failing to reverse the trend.

The recently announced Public Lands Rule supports the adoption of Alternative 3. Historically, managing lands for conservation has not been at a level on par with energy development, grazing and recreation. The Public Lands Rule addresses this lack of balance. We urge you to adopt Alternative 3 because it includes the strongest measures to protect the Greater Sage-Grouse and its habitat. This alternative calls for updating habitat management area

boundaries “based on new information and science” and would provide the best management standards to conserve the Greater Sage-Grouse and the sagebrush habitat it needs for survival.

Alternative 3 is closely aligned with the BLM’s stated goals in this amendment process including addressing habitat losses that are contributing to declines in populations, incorporating the most recent and relevant science to prioritize conservation benefits including the impacts of climate change, and managing habitats based on “biological information versus political boundaries.” Alternative 3 is too weak and inadequate to address these goals and curb long-term Greater Sage-Grouse declines. Specifically, to protect that last remaining intact habitat and limit disturbance, we ask that the final plan amendments: 1) protect a 5-mile radius of all sage-grouse leks where most sage-grouse nest and raise broods, and 2) implement a mineral withdrawal for all priority habitats.

Thank you for this opportunity to comment. We appreciate the hard work undertaken by the Bureau of Land Management in developing the draft Resource Management Plan Amendment.

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